

# **State of Illinois 91st General Assembly Final Senate Journal**

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SENATE JOURNAL

STATE OF ILLINOIS

NINETY-FIRST GENERAL ASSEMBLY

74TH LEGISLATIVE DAY

TUESDAY, FEBRUARY 15, 2000

12:00 O'CLOCK NOON

No. 74

[Feb. 15, 2000]

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The Senate met pursuant to adjournment.

Honorable James "Pate" Philip, Wood Dale, Illinois, presiding.

Prayer by Pastor Donald Pritchard, Zion Lutheran Church, Pleasant Plains, Illinois.

Senator Radogno led the Senate in the Pledge of Allegiance.

The Journal of Wednesday, February 9, 2000, was being read when on motion of Senator Myers further reading of same was dispensed with and unless some Senator had corrections to offer, the Journal would stand approved. No corrections being offered, the Journal was ordered to stand approved.

The Journal of Thursday, February 10, 2000, was being read when on motion of Senator Myers further reading of same was dispensed with and unless some Senator had corrections to offer, the Journal would

stand approved. No corrections being offered, the Journal was ordered to stand approved.

#### REPORT RECEIVED

The Secretary placed before the Senate the following report:

A report on Fiscal Year 2001 Higher Education Budget Recommendations Implementing The Illinois Commitment: Partnerships, Opportunities, and Excellence, January 2000, submitted by the Board of Higher Education.

The foregoing report was ordered received and placed on file in the Secretary's Office.

#### REPORTS FROM STANDING COMMITTEES

Senator R. Madigan, Chairperson of the Committee on Insurance and Pensions to which was referred **Senate Bills numbered 1511, 1617, 1652 and 1701** reported the same back with the recommendation that the bills do pass.

Under the rules, the bills were ordered to a second reading.

Senator R. Madigan, Chairperson of the Committee on Insurance and Pensions to which was referred **Senate Bill No. 1658** reported the same back with amendments having been adopted thereto, with the recommendation that the bill, as amended, do pass.

Under the rules, the bill was ordered to a second reading.

Senator Dillard, Chairperson of the Committee on Local Government to which was referred **Senate Bills numbered 1302, 1376, 1514 and 1522** reported the same back with the recommendation that the bills do pass.

Under the rules, the bills were ordered to a second reading.

Senator Dillard, Chairperson of the Committee on Local Government to which was referred **Senate Bills numbered 1425, 1513, 1582 and 1881** reported the same back with amendments having been adopted thereto, with the recommendation that the bills, as amended, do pass.

Under the rules, the bills were ordered to a second reading.

Senator Syverson, Chairperson of the Committee on Public Health and Welfare to which was referred **Senate Bills numbered 1329, 1340,**

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**1341, 1599, 1657 and 1660** reported the same back with the recommendation that the bills do pass.

Under the rules, the bills were ordered to a second reading.

Senator Syverson, Chairperson of the Committee on Public Health and Welfare to which was referred **Senate Bills numbered 1427, 1434,**

1508, 1510, 1555, 1609, 1638, 1642, 1712 and 1844 reported the same back with amendments having been adopted thereto, with the recommendation that the bills, as amended, do pass.

Under the rules, the bills were ordered to a second reading.

Senator Syverson, Chairperson of the Committee on Public Health and Welfare to which was referred **House Bill No. 182** reported the same back with amendments having been adopted thereto, with the recommendation that the bill, as amended, do pass.

Under the rules, the bill was ordered to a second reading.

At the hour of 12:10 o'clock p.m., Senator Dudycz presiding.

#### MESSAGES FROM THE HOUSE OF REPRESENTATIVES

A message from the House by

Mr. Rossi, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has passed bills of the following titles, in the passage of which I am instructed to ask the concurrence of the Senate, to-wit:

##### HOUSE BILL NO. 3032

A bill for AN ACT creating the Midwest Interstate Passenger Rail Compact.

##### HOUSE BILL NO. 3398

A bill for AN ACT to amend the Illinois Public Aid Code by changing Section 5-5.4.

##### HOUSE BILL NO. 3476

A bill for AN ACT to amend the Motor Fuel Tax Law by changing Section 8.

##### HOUSE BILL NO. 3548

A bill for AN ACT in relation to mental health, amending named Acts.

Passed the House, February 10, 2000.

ANTHONY D. ROSSI, Clerk of the House

The foregoing **House Bills numbered 3032, 3398, 3476 and 3548** were taken up, ordered printed and placed on first reading.

A message from the House by

Mr. Rossi, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has adopted the following joint resolution, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

##### HOUSE JOINT RESOLUTION NO. 40

WHEREAS, On February 12, 1809, Abraham Lincoln was born in the most modest of circumstances in a log cabin near Hodgenville, Kentucky; at the age of 21, he set out for a new home located on the north bank of the Sangamon River, in New Salem, Illinois, where he

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served as Deputy Surveyor and Postmaster; his kindness, straightforward conduct, and sympathetic character helped create in the popular mind the stereotype of "Honest Abe"; and

WHEREAS, On August 4, 1834, Abraham Lincoln, at age 24, was elected to the Illinois General Assembly as a State Representative from the Whig party; he was reelected 3 more times, serving until 1842; through his bold leadership and forward thinking, he was elevated by his peers to the elected position of Whig floor leader and served as chairman of the Finance Committee; he was a consistent supporter of conservative business interests and brought about the relocation of the State capital from Vandalia to Springfield; when certain resolutions denouncing anti-slavery agitation were passed by the House, he took a bold position through a written declaration stating that slavery was "founded on both injustice and bad policy, but that the promulgation of abolition doctrines tends rather to increase than abate its evils"; and

WHEREAS, Mr. Lincoln served in the United States House of Representative as an Illinois Whig from 1847 through 1849, serving on the Post Office and Post Roads Committee, as well as the War Department Expenditures Committee; he opposed United States involvement in the Mexican War but continued to support appropriations to supply the troops involved in the war; he continued to promote federally funded internal improvements and worked unsuccessfully to abolish the slave trade in Washington, D.C.; and

WHEREAS, On May 29, 1856, Mr. Lincoln helped organize the new Republican Party of Illinois, speaking with a new authority gained from self-imposed intellectual discipline in behalf of the anti-slavery cause; and

WHEREAS, On November 6, 1860, Abraham Lincoln was elected the 16th President of the United States and the first Republican; he received 180 of 303 possible electoral votes and 40% of the popular vote, defeating Northern Democrat Stephen A. Douglas and Southern Democrat John C. Breckinridge; convinced that the United States was more than an ordinary nation, that it was a proving ground for the idea of democratic government, he displayed an unflinching dedication to the preservation of the Union; he never wavered in his "paramount object" to restore national unity despite war-weariness and repeated defeats; he did what was necessary, without regard to political objections in Congress or personal popularity; and

WHEREAS, On January 1, 1863, President Lincoln issued the Emancipation Proclamation that declared forever slaves free within the Confederacy; with the possibility that his action would not be sustained by the Supreme Court, he strongly urged and succeeded in getting Congress to adopt the 13th Amendment, forever abolishing slavery throughout the country; realizing that minimal guarantees of civil rights for blacks were essential, he began to advocate for equality by the end of the war; and

WHEREAS, Partly because of his single-minded dedication, the American people, in time, gave to Abraham Lincoln a loyalty that proved to be another of his great assets; he learned what ordinary citizens felt about their government by making himself accessible to all who went to the White House; his mastery of rhetoric further endeared him to the public; he wrote clearly and succinctly in an age of pretentious orators; his 268-word address meant more than the

preceding 2-hour oration by Edward Everett at the dedication of the national cemetery at Gettysburg; the clear focus and eloquent, sophisticated style of the Gettysburg address has helped it survive for more than a hundred years as one of the greatest speeches ever delivered; and

WHEREAS, Lincoln was inaugurated into his second term as

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President on March 4, 1865, overwhelmingly defeating Union General George B. McClellan; he enunciated a comprehensive reconstruction program, pledging pardon and amnesty to Confederates who were prepared to swear loyalty to the Union and promising to turn back control of local governments to the civil authorities in the South; on April 14, 1865, one month after taking office, he was shot and killed while attending a performance at Ford's Theater in Washington; and

WHEREAS, Illinois is where Mr. Lincoln lived, worked, and spent many happy days in the municipalities of New Salem, and Springfield; throughout his days in public service he embodied personal integrity, intelligence, and humanity; it is only fitting and proper that this great President who played such a vital role as the leader in preserving the Union and abolished slavery in the United States should be duly honored and commemorated by the gracious people of this State to whom Abraham Lincoln brought so much character, determination, and perseverance in the Illinois General Assembly, United States Congress, and as the President of the United States; and

WHEREAS, On February 6, 1911, Ronald Wilson Reagan was born to Nelle and John Reagan in Tampico, Illinois; he attended high school in nearby Dixon and then worked his way through Eureka College; at Eureka College, he studied economics and sociology, played on the football team, and acted in school plays; upon graduation, he became a radio sports announcer; a screen test in 1937 won him a contract in Hollywood and during the next 2 decades he appeared in 53 films; and

WHEREAS, As president of the Screen Actors Guild, Ronald Reagan became embroiled in disputes over the issue of Communism in the film industry; his political views shifted from liberal to conservative; he toured the country as a television host, becoming a spokesman for conservatism; in 1966 he was elected Governor of California by a margin of a million votes; he was re-elected in 1970; and

WHEREAS, Ronald Reagan won the Republican presidential nomination in 1980 and chose as his running mate former Texas Congressman and United Nations Ambassador George Bush; voters troubled by inflation and by the year-long confinement of Americans in Iran swept the Republican ticket into office; and

WHEREAS, On January 20, 1981, Mr. Reagan took office; only 69 days later he was shot by a would-be assassin but quickly recovered and returned to duty; his grace and wit during the dangerous incident caused his popularity to soar; and

WHEREAS, Dealing skillfully with Congress, Reagan obtained legislation to stimulate economic growth, curb inflation, increase employment, and strengthen national defense; he embarked upon a course of cutting taxes and government expenditures, refusing to

deviate from his course when the strengthening of defense forces led to a large deficit; and

WHEREAS, A renewal of national self-confidence by 1984 helped President Reagan and Vice President Bush win a second term with an unprecedented number of electoral votes; and

WHEREAS, In 1986, Ronald Reagan obtained an overhaul of the income tax code that eliminated many deductions and exempted millions of people with low incomes; at the end of his administration, the nation was enjoying its longest recorded period of peacetime prosperity without recession or depression; and

WHEREAS, In foreign policy, Ronald Reagan sought to achieve "peace through strength"; in dramatic meetings with Soviet leader Mikhail Gorbachev, he negotiated a treaty that would eliminate intermediate-range nuclear missiles; President Reagan declared war against international terrorism, sending American bombers against

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Libya after evidence came out that Libya was involved in an attack on American soldiers in a West Berlin nightclub; and

WHEREAS, By ordering naval escorts in the Persian Gulf, he maintained the free flow of oil during the Iran-Iraq war; in keeping with the Reagan Doctrine, he gave support to anti-Communist insurgencies in Central America, Asia, and Africa; and

WHEREAS, At the end of his 2 terms in office, Ronald Reagan viewed with satisfaction the achievements of his innovative program known as the Reagan Revolution, which aimed to reinvigorate the American people and reduce their reliance upon government; he felt he had fulfilled his campaign pledge of 1980 to restore "the great, confident roar of American progress and growth and optimism"; and

WHEREAS, The Reagan years saw a restoration of prosperity, and the goal of peace through strength was within the nation's grasp; and

WHEREAS, Ulysses Simpson (U.S. "Unconditional Surrender") Grant was the best-known Federal general in the United States Civil War; because of his military prowess and daring, he helped to shorten the time of that great and bitter conflict; and

WHEREAS, U.S. Grant's exploits in the Civil War earned him the Republican nomination and ultimately 2 terms as the 18th President of the United States; as President, he pushed for conciliation toward the South, sought unconditional readmission of Virginia to the Union, relentlessly opposed the Ku Klux Klan in his ever stalwart detestation of slavery and its aftermath, and established a strong record in foreign affairs; and

WHEREAS, Although dying of throat cancer, he wrote his now classic memoirs in an effort to support his family and to guarantee that they would be provided for upon his death; and

WHEREAS, U.S. Grant died on July 23, 1885, and his body was finally laid to rest amidst much pomp, circumstance, parades, and speeches; and

WHEREAS, Illinois is where U.S. Grant lived, worked, and spent many happy days in the municipality of Galena; and it is only fitting and proper that this great General and President who played such a critical role in saving the Republic should be duly honored and commemorated by the gracious people of this State to whom Grant

brought so much glory; therefore be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-FIRST GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that the great contributions of Illinois' presidents, Abraham Lincoln, Ronald Reagan, and Ulysses Simpson Grant, to the State of Illinois and to the entire nation, should be commemorated by the State Treasurer in accordance with the Commemorative Medallions Act.

Adopted by the House, February 8, 2000.

ANTHONY D. ROSSI, Clerk of the House

The foregoing message from the House of Representatives, reporting **House Joint Resolution No. 40**, was referred to the Committee on Rules.

A message from the House by

Mr. Rossi, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the adoption of the following joint resolution, to-wit:

SENATE JOINT RESOLUTION NO. 56

Concurred in by the House, February 10, 2000.

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ANTHONY D. ROSSI, Clerk of the House

**READING BILLS FROM THE HOUSE OF REPRESENTATIVES  
A FIRST TIME**

**House Bill No. 1568**, sponsored by Senator Noland was taken up, read by title a first time and referred to the Committee on Rules.

**House Bill No. 2909**, sponsored by Senator Noland was taken up, read by title a first time and referred to the Committee on Rules.

**House Bill No. 3201**, sponsored by Senator Radogno was taken up, read by title a first time and referred to the Committee on Rules.

**House Bill No. 3476**, sponsored by Senator Noland was taken up, read by title a first time and referred to the Committee on Rules.

**PRESENTATION OF RESOLUTIONS**

**SENATE RESOLUTION NO. 294**

Offered by Senator Lightford and all Senators:

Mourns the death of Ronald J. "Hutch" Hutcherson of Chicago.

The foregoing resolution was referred to the Resolutions Consent Calendar.

Senator Parker offered the following Senate Resolution, which was referred to the Committee on Rules:

**SENATE RESOLUTION NO. 295**

WHEREAS, Rail transportation is an essential part of the economy of the State of Illinois; and

WHEREAS, The freight railroad industry continues to struggle with the implementation of recent mergers in the western and eastern United States; and

WHEREAS, The freight railroad industry remains very unsettled and requires time to stabilize and provide the promised benefits to shippers; and

WHEREAS, The Burlington Northern Santa Fe and Canadian National railroads have announced their intentions to combine their operations; and

WHEREAS, The timing of this merger proposal is not only premature but will likely trigger the final round of railroad industry consolidation at the most inopportune time; and

WHEREAS, A new round of premature industry consolidation could threaten the future viability of the U.S. rail system; and

WHEREAS, A new wave of railroad industry consolidation could divert management attention and resources from successful execution of recent rail mergers; and

WHEREAS, Another wave of railroad industry consolidation before shippers are convinced they have received the benefits of the most recent mergers is almost certain to result in calls for increased federal regulations of the industry; and

WHEREAS, A significant portion of America's freight rail system could be Canadian-controlled should this transaction be approved; and

WHEREAS, Approval of the Burlington Northern Santa Fe-Canadian National merger could have a detrimental effect on the United States' defense transportation network; and

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WHEREAS, Several organizations including the United Transportation Union, Canadian Pacific Railway, CSX, Norfolk Southern, Union Pacific Railroad, and Chemical Manufacturers Association have either announced their opposition to the proposed Burlington Northern Santa Fe-Canadian National merger or have asked the Surface Transportation Board to take a cautious and deliberative approach; and

WHEREAS, Jobs, industries, and agriculture throughout the State of Illinois could be negatively affected by the Burlington Northern Santa Fe-Canadian National proposal; therefore be it

RESOLVED, BY THE SENATE OF THE NINETY-FIRST GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we have grave concerns about the proposed combination of the Burlington Northern Santa Fe-Canadian National (CN) rail systems and the resulting effect on interstate commerce and the impact on the Chicago area's commuter rail service; and be it further

RESOLVED, That a copy of this resolution be formally transmitted to the federal Surface Transportation Board and to the Illinois



Congressional Delegation.

Senator W. Jones offered the following Senate Joint Resolution, which was ordered printed and referred to the Committee on Rules:

**SENATE JOINT RESOLUTION NO. 57**

**CONSTITUTIONAL AMENDMENT**

RESOLVED, BY THE SENATE OF THE NINETY-FIRST GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HEREIN, that there shall be submitted to the electors of the State for adoption or rejection at the general election next occurring at least 6 months after the adoption of this resolution a proposition to add Section 8.1 to Article IV of the Illinois Constitution as follows:

ARTICLE IV  
THE LEGISLATURE

(ILCON Art. IV, Sec. 8.1 new)

Section 8.1. Passage of Revenue Bills.

(a) A bill that would result in the increase of revenue to the State may become law only with the concurrence of two-thirds of the members elected to each house of the General Assembly.

(b) The General Assembly may not vote upon a bill that would result in the increase of revenue to the State until a public hearing on the bill has been held. Reasonable notice of the hearing, in no event less than 2 weeks, shall be given to the public.

SCHEDULE

This Constitutional Amendment takes effect upon being declared adopted in accordance with Section 7 of the Illinois Constitutional Amendment Act.

**READING BILLS OF THE SENATE A SECOND TIME**

On motion of Senator Burzynski, **Senate Bill No. 334** having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Revenue, adopted and ordered printed:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 334 by replacing the title with the following:

"AN ACT regarding electricity excise taxes."; and

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by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Enterprise Zone Act is amended by changing Section 5.5 as follows:

(20 ILCS 655/5.5) (from Ch. 67 1/2, par. 609.1)

Sec. 5.5. High Impact Business.

(a) In order to respond to unique opportunities to assist in the encouragement, development, growth and expansion of the private sector through large scale investment and development projects, the Department is authorized to receive and approve applications for the

designation of "High Impact Businesses" in Illinois subject to the following conditions:

(1) such applications may be submitted at any time during the year;

(2) such business is not located, at the time of designation, in an enterprise zone designated pursuant to this Act;

(3) the business intends to make a minimum investment of \$12,000,000 which will be placed in service in qualified property and intends to create 500 full-time equivalent jobs at a designated location in Illinois or intends to make a minimum investment of \$30,000,000 which will be placed in service in qualified property and intends to retain 1,500 full-time jobs at a designated location in Illinois. The business must certify in writing that the investments would not be placed in service in qualified property and the job creation or job retention would not occur without the tax credits and exemptions set forth in subsection (b) of this Section. The terms "placed in service" and "qualified property" have the same meanings as described in subsection (h) of Section 201 of the Illinois Income Tax Act; and

(4) no later than 90 days after an application is submitted, the Department shall notify the applicant of the Department's determination of the qualification of the proposed High Impact Business under this Section.

(b) Businesses designated as High Impact Businesses pursuant to this Section shall qualify for the credits and exemptions described in the following Acts: Section 9-222 and 9-222.1A of The Public Utilities Act, subsection (h) of Section 201 of the Illinois Income Tax Act; and, Section 1d of the Retailers' Occupation Tax Act, provided that these credits and exemptions described in these Acts shall not be authorized until the minimum investments set forth in subsection (a) of this Section have been placed in service in qualified properties and, in the case of the exemptions described in the Public Utilities Act and Section 1d of the Retailers' Occupation Tax Act, the minimum full-time equivalent jobs or full-time jobs set forth in subsection (a) of this Section have been created or retained. Businesses designated as High Impact Businesses under this Section shall also qualify for the exemption described in Section 51 of the Retailers' Occupation Tax Act. The credit provided in subsection (h) of Section 201 of the Illinois Income Tax Act shall be applicable to investments in qualified property as set forth in subsection (a) of this Section.

(c) High Impact Businesses located in federally designated foreign trade zones or sub-zones are also eligible for additional credits, exemptions and deductions as described in the following Acts: Section 9-221 of the Public Utilities Act; and subsection (g) of Section 201, and Section 203 of the Illinois Income Tax Act.

(d) Existing Illinois businesses which apply for designation as a High Impact Business must provide the Department with the prospective plan for which 1,500 full-time jobs would be eliminated in the event that the business is not designated.

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(e) New proposed facilities which apply for designation as High Impact Business must provide the Department with proof of alternative non-Illinois sites which would receive the proposed investment and job creation in the event that the business is not designated as a High Impact Business.

(f) In the event that a business is designated a High Impact Business and it is later determined after reasonable notice and an opportunity for a hearing as provided under The Illinois Administrative Procedure Act, that the business would have placed in service in qualified property the investments and created or retained the requisite number of jobs without the benefits of the High Impact Business designation, the Department shall be required to immediately revoke the designation and notify the Director of the Department of Revenue who shall begin proceedings to recover all wrongfully exempted State taxes with interest. The business shall also be ineligible for all State funded Department programs for a period of 10 years.

(g) The Department shall revoke a High Impact Business designation if the participating business fails to comply with the terms and conditions of the designation.

(h) Prior to designating a business, the Department shall provide the members of the General Assembly and Illinois Economic and Fiscal Commission with a report setting forth the terms and conditions of the designation and guarantees that have been received by the Department in relation to the proposed business being designated.

(Source: P.A. 89-89, eff. 6-30-95.)

Section 10. The Electricity Excise Tax Law is amended by changing Sections 2-3 and 2-4 as follows:

(35 ILCS 640/2-3)

Sec. 2-3. Definitions. As used in this Law, unless the context clearly requires otherwise:

(a) "Department" means the Department of Revenue of the State of Illinois.

(b) "Director" means the Director of the Department of Revenue of the State of Illinois.

(c) "Person" means any natural individual, firm, trust, estate, partnership, association, joint stock company, joint venture, corporation, limited liability company, or a receiver, trustee, guardian, or other representative appointed by order of any court, or any city, town, village, county, or other political subdivision of this State.

(d) "Purchase price" means the consideration paid for the distribution, supply, furnishing, sale, transmission or delivery of electricity to a person for non-residential use or consumption (and for both residential and non-residential use or consumption in the case of electricity purchased from a municipal system or electric cooperative described in subsection (b) of Section 2-4) and not for resale, and for all services directly related to the production, transmission or distribution of electricity distributed, supplied, furnished, sold, transmitted or delivered for non-residential use or consumption, and includes transition charges imposed in accordance with Article XVI of the Public Utilities Act and instrument funding charges imposed in accordance with Article XVIII of the Public Utilities Act, as well as cash, services and property of every kind or nature, and shall be determined without any deduction on account of the cost of the service, product or commodity supplied, the cost

of materials used, labor or service costs, or any other expense whatsoever. However, "purchase price" shall not include consideration paid for:

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- (i) any charge for a dishonored check;
- (ii) any finance or credit charge, penalty or charge for delayed payment, or discount for prompt payment;
- (iii) any charge for reconnection of service or for replacement or relocation of facilities;
- (iv) any advance or contribution in aid of construction;
- (v) repair, inspection or servicing of equipment located on customer premises;
- (vi) leasing or rental of equipment, the leasing or rental of which is not necessary to furnishing, supplying or selling electricity;
- (vii) any purchase by a purchaser if the supplier is prohibited by federal or State constitution, treaty, convention, statute or court decision from recovering the related tax liability from such purchaser; and
- (viii) any amounts added to purchasers' bills because of charges made pursuant to the tax imposed by this Law.

In case credit is extended, the amount thereof shall be included only as and when payments are made.

"Purchase price" shall not include consideration received from business enterprises certified under Section 9-222.1 or 9-222.1A of the Public Utilities Act, as amended, to the extent of such exemption and during the period of time specified by the Department of Commerce and Community Affairs.

(e) "Purchaser" means any person who acquires electricity for use or consumption and not for resale, for a valuable consideration.

(f) "Non-residential electric use" means any use or consumption of electricity which is not residential electric use.

(g) "Residential electric use" means electricity used or consumed at a dwelling of 2 or fewer units, or electricity for household purposes used or consumed at a building with multiple dwelling units where the electricity is registered by a separate meter for each dwelling unit.

(h) "Self-assessing purchaser" means a purchaser for non-residential electric use who elects to register with and to pay tax directly to the Department in accordance with Sections 2-10 and 2-11 of this Law.

(i) "Delivering supplier" means any person engaged in the business of delivering electricity to persons for use or consumption and not for resale and who, in any case where more than one person participates in the delivery of electricity to a specific purchaser, is the last of the suppliers engaged in delivering the electricity prior to its receipt by the purchaser.

(j) "Delivering supplier maintaining a place of business in this State", or any like term, means any delivering supplier having or maintaining within this State, directly or by a subsidiary, an office, generation facility, transmission facility, distribution facility, sales office or other place of business, or any employee,

agent or other representative operating within this State under the authority of such delivering supplier or such delivering supplier's subsidiary, irrespective of whether such place of business or agent or other representative is located in this State permanently or temporarily, or whether such delivering supplier or such delivering supplier's subsidiary is licensed to do business in this State.

(k) "Use" means the exercise by any person of any right or power over electricity incident to the ownership of that electricity, except that it does not include the generation, production, transmission, distribution, delivery or sale of electricity in the regular course of business or the use of electricity for such purposes.

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(Source: P.A. 90-561, eff. 8-1-98.)

(35 ILCS 640/2-4)

Sec. 2-4. Tax imposed.

(a) Except as provided in subsection (b), a tax is imposed on the privilege of using in this State electricity purchased for use or consumption and not for resale, other than by municipal corporations owning and operating a local transportation system for public service, at the following rates per kilowatt-hour delivered to the purchaser:

(i) For the first 2000 kilowatt-hours used or consumed in a month: 0.330 cents per kilowatt-hour;

(ii) For the next 48,000 kilowatt-hours used or consumed in a month: 0.319 cents per kilowatt-hour;

(iii) For the next 50,000 kilowatt-hours used or consumed in a month: 0.303 cents per kilowatt-hour;

(iv) For the next 400,000 kilowatt-hours used or consumed in a month: 0.297 cents per kilowatt-hour;

(v) For the next 500,000 kilowatt-hours used or consumed in a month: 0.286 cents per kilowatt-hour;

(vi) For the next 2,000,000 kilowatt-hours used or consumed in a month: 0.270 cents per kilowatt-hour;

(vii) For the next 2,000,000 kilowatt-hours used or consumed in a month: 0.254 cents per kilowatt-hour;

(viii) For the next 5,000,000 kilowatt-hours used or consumed in a month: 0.233 cents per kilowatt-hour;

(ix) For the next 10,000,000 kilowatt-hours used or consumed in a month: 0.207 cents per kilowatt-hour;

(x) For all electricity in excess of 20,000,000 kilowatt-hours used or consumed in a month: 0.202 cents per kilowatt-hour.

Provided, that in lieu of the foregoing rates, the tax is imposed on a self-assessing purchaser at the rate of 5.1% of the self-assessing purchaser's purchase price for all electricity distributed, supplied, furnished, sold, transmitted and delivered to the self-assessing purchaser in a month.

(b) A tax is imposed on the privilege of using in this State electricity purchased from a municipal system or electric cooperative, as defined in Article XVII of the Public Utilities Act, which has not made an election as permitted by either Section 17-200

or Section 17-300 of such Act, at the lesser of 0.32 cents per kilowatt hour of all electricity distributed, supplied, furnished, sold, transmitted, and delivered by such municipal system or electric cooperative to the purchaser or 5% of each such purchaser's purchase price for all electricity distributed, supplied, furnished, sold, transmitted, and delivered by such municipal system or electric cooperative to the purchaser, whichever is the lower rate as applied to each purchaser in each billing period.

(c) The tax imposed by this Section 2-4 is not imposed with respect to any use of electricity by business enterprises certified under Section 9-222.1 or 9-222.1A of the Public Utilities Act, as amended, to the extent of such exemption and during the time specified by the Department of Commerce and Community Affairs; or with respect to any transaction in interstate commerce, or otherwise, to the extent to which such transaction may not, under the Constitution and statutes of the United States, be made the subject of taxation by this State.

(Source: P.A. 90-561, eff. 8-1-98.)

Section 15. The Public Utilities Act is amended by changing Section 9-222 and adding Section 9-222.1A as follows:

(220 ILCS 5/9-222) (from Ch. 111 2/3, par. 9-222)

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Sec. 9-222. Whenever a tax is imposed upon a public utility engaged in the business of distributing, supplying, furnishing, or selling gas for use or consumption pursuant to Section 2 of the Gas Revenue Tax Act, or whenever a tax is required to be collected by a delivering supplier pursuant to Section 2-7 of the Electricity Excise Tax Act imposed upon a public utility in the business of distributing, supplying, furnishing or selling electricity for use or consumption pursuant to Section 2 of The Public Utilities Revenue Act, or whenever a tax is imposed upon a public utility pursuant to Section 2-202 of this Act, such utility may charge its customers, other than customers who are high impact businesses under Section 5.5 of the Illinois Enterprise Zone Act, or certified business enterprises under Section 9-222.1 of this Act, to the extent of such exemption and during the period in which such exemption is in effect, in addition to any rate authorized by this Act, an additional charge equal to the total amount of such taxes. The exemption of this Section relating to high impact businesses shall be subject to the provisions of subsections (a) and (b) of Section 5.5 of the Illinois Enterprise Zone Act. This requirement shall not apply to taxes on invested capital imposed pursuant to the Messages Tax Act, the Gas Revenue Tax Act and the Public Utilities Revenue Act. Such utility shall file with the Commission a supplemental schedule which shall specify such additional charge and which shall become effective upon filing without further notice. Such additional charge shall be shown separately on the utility bill to each customer. The Commission shall have the power to investigate whether or not such supplemental schedule correctly specifies such additional charge, but shall have no power to suspend such supplemental schedule. If the Commission finds, after a hearing, that such supplemental schedule does not correctly specify such additional charge, it shall by order require a

refund to the appropriate customers of the excess, if any, with interest, in such manner as it shall deem just and reasonable, and in and by such order shall require the utility to file an amended supplemental schedule corresponding to the finding and order of the Commission. Except with respect to taxes imposed on invested capital, such tax liabilities shall be recovered from customers solely by means of the additional charges authorized by this Section.

(Source: P.A. 85-1182.)

(220 ILCS 5/9-222.1A new)

Sec. 9-222.1A. High impact business. Beginning on August 1, 1998 and thereafter, a business enterprise that is certified as a High Impact Business by the Department of Commerce and Community Affairs is exempt from the tax imposed by Section 2-4 of the Electricity Excise Tax Law, if the High Impact Business is registered to self-assess that tax, and is exempt from any additional charges added to the business enterprise's utility bills as a pass-on of State utility taxes under Section 9-222 of this Act, to the extent the tax or charges are exempted by the percentage specified by the Department of Commerce and Community Affairs for State utility taxes, provided the business enterprise meets the following criteria:

(1) it intends either (i) to make a minimum eligible investment of \$12,000,000 that will be placed in service in qualified property in Illinois and is intended to create at least 500 full-time equivalent jobs at a designated location in Illinois; or (ii) to make a minimum eligible investment of \$30,000,000 that will be placed in service in qualified property in Illinois and is intended to retain at least 1,500 full-time equivalent jobs at a designated location in Illinois;

(2) it is designated as a High Impact Business by the Department of Commerce and Community Affairs; and

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(3) it is certified by the Department of Commerce and Community Affairs as complying with the requirements specified in clauses (1) and (2) of this Section.

The Department of Commerce and Community Affairs shall determine the period during which the exemption from the Electricity Excise Tax Law and the charges imposed under Section 9-222 are in effect, which shall not exceed 20 years, and shall specify the percentage of the exemption from those taxes.

The Department of Commerce and Community Affairs is authorized to promulgate rules and regulations to carry out the provisions of this Section, including procedures for complying with the requirements specified in clauses (1) and (2) of this Section and procedures for applying for the exemptions authorized under this Section; to define the amounts and types of eligible investments that business enterprises must make in order to receive State utility tax exemptions pursuant to Sections 9-222 and this Section; to approve such utility tax exemptions for business enterprises whose investments are not yet placed in service; and to require that business enterprises granted tax exemptions repay the exempted tax if the business enterprise fails to comply with the terms and conditions of the certification.

Upon certification of the business enterprises by the Department of Commerce and Community Affairs, the Department of Commerce and Community Affairs shall notify the Department of Revenue of the certification. The Department of Revenue shall notify the public utilities of the exemption status of business enterprises from the pass-on charges of State utility taxes. The exemption status shall take effect within 3 months after certification of the business enterprise.

Section 99. Effective date. This Act takes effect upon becoming law."

There being no further amendments, the foregoing Amendment No. 1, was ordered engrossed; and the bill, as amended, was ordered to a third reading.

On motion of Senator Burzynski, **Senate Bill No. 649** having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Executive, adopted and ordered printed:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 649 by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Human Cloning Act.

Section 5. Purpose. It is the intent of the General Assembly to place a moratorium on the cloning of an entire human being in order to evaluate the profound medical, ethical, and social implications that such a possibility raises.

Section 10. Human cloning prohibited.

(a) No person shall clone a human being.

(b) No person shall purchase or sell an ovum, zygote, embryo, or fetus for the purpose of cloning a human being.

(c) For purposes of this Section, "clone" means the practice of creating or attempting to create a human being by transferring the nucleus from a human cell from whatever source into a human egg cell from which the nucleus has been removed for the purpose of, or to implant, the resulting product to initiate a pregnancy that could result in the birth of a human being.

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(d) Nothing in this Act shall be construed to restrict or prohibit biomedical research using cloning technology that is not expressly prohibited by this Act, including the cloning of human genes, cells, and tissues.

Section 15. For violations of Section 10, the Attorney General may, after appropriate notice and opportunity for hearing, by order, levy administrative penalties as follows:

(a) If the violator is a corporation, firm, clinic, hospital, laboratory, or research facility, by a civil penalty of not more than \$1,000,000 or the applicable amount under subsection (c), whichever is greater.

(b) If the violator is an individual, by a civil penalty of not



more than \$250,000 or the applicable amount under subsection (c), whichever is greater.

(c) If any violator derives pecuniary gain from a violation of Section 10, the violator may be assessed a civil penalty of not more than an amount equal to the amount of the gross gain multiplied by 2.

(d) The administrative penalties shall be paid into the General Revenue Fund.

Section 90. Repeal. This Act is repealed on January 1, 2005.

Section 105. The Department of Public Health Powers and Duties Law of the Civil Administrative Code of Illinois is amended by adding Section 2310-330.5 as follows:

(20 ILCS 2310/2310-330.5 new)

Sec. 2310-330.5. Revocation of registration of sperm banks that violate the Human Cloning Act. The Department shall revoke the registration of a sperm bank that violates the Human Cloning Act. This Section is repealed on January 1, 2005.

Section 110. The Ambulatory Surgical Treatment Center Act is amended by adding Section 10f-5 as follows:

(210 ILCS 5/10f-5 new)

Sec. 10f-5. Revocation of license for violating the Human Cloning Act. The Director shall revoke the license of an ambulatory surgical treatment center that violates the Human Cloning Act. This Section is repealed on January 1, 2005.

Section 115. The Hospital Licensing Act is amended by adding Section 7.5 as follows:

(210 ILCS 85/7.5 new)

Sec. 7.5. Revocation of license for violation of the Human Cloning Act. The Director shall revoke the license of a hospital that violates the Human Cloning Act. This Section is repealed on January 1, 2005.

Section 120. The Medical Practice Act of 1987 is amended by changing Section 22 as follows:

(225 ILCS 60/22) (from Ch. 111, par. 4400-22)

Sec. 22. Disciplinary action.

(A) The Department may revoke, suspend, place on probationary status, or take any other disciplinary action as the Department may deem proper with regard to the license or visiting professor permit of any person issued under this Act to practice medicine, or to treat human ailments without the use of drugs and without operative surgery upon any of the following grounds:

(1) Performance of an elective abortion in any place, locale, facility, or institution other than:

(a) a facility licensed pursuant to the Ambulatory Surgical Treatment Center Act;

(b) an institution licensed under the Hospital Licensing Act; or

(c) an ambulatory surgical treatment center or hospitalization or care facility maintained by the State or

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or care facilities under its management and control; or

(d) ambulatory surgical treatment centers, hospitalization or care facilities maintained by the Federal Government; or

(e) ambulatory surgical treatment centers, hospitalization or care facilities maintained by any university or college established under the laws of this State and supported principally by public funds raised by taxation.

(2) Performance of an abortion procedure in a wilful and wanton manner on a woman who was not pregnant at the time the abortion procedure was performed.

(3) The conviction of a felony in this or any other jurisdiction, except as otherwise provided in subsection B of this Section, whether or not related to practice under this Act, or the entry of a guilty or nolo contendere plea to a felony charge.

(4) Gross negligence in practice under this Act.

(5) Engaging in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public.

(6) Obtaining any fee by fraud, deceit, or misrepresentation.

(7) Habitual or excessive use or abuse of drugs defined in law as controlled substances, of alcohol, or of any other substances which results in the inability to practice with reasonable judgment, skill or safety.

(8) Practicing under a false or, except as provided by law, an assumed name.

(9) Fraud or misrepresentation in applying for, or procuring, a license under this Act or in connection with applying for renewal of a license under this Act.

(10) Making a false or misleading statement regarding their skill or the efficacy or value of the medicine, treatment, or remedy prescribed by them at their direction in the treatment of any disease or other condition of the body or mind.

(11) Allowing another person or organization to use their license, procured under this Act, to practice.

(12) Disciplinary action of another state or jurisdiction against a license or other authorization to practice as a medical doctor, doctor of osteopathy, doctor of osteopathic medicine or doctor of chiropractic, a certified copy of the record of the action taken by the other state or jurisdiction being prima facie evidence thereof.

(13) Violation of any provision of this Act or of the Medical Practice Act prior to the repeal of that Act, or violation of the rules, or a final administrative action of the Director, after consideration of the recommendation of the Disciplinary Board.

(14) Dividing with anyone other than physicians with whom the licensee practices in a partnership, Professional Association, limited liability company, or Medical or Professional Corporation any fee, commission, rebate or other form of compensation for any professional services not actually and personally rendered. Nothing contained in this subsection prohibits persons holding valid and current licenses under this Act from practicing medicine in partnership under a partnership

agreement, including a limited liability partnership, in a limited liability company under the Limited Liability Company Act, in a corporation authorized by the Medical Corporation Act, as an association authorized by the Professional Association Act, or in a corporation under the Professional Corporation Act or from pooling, sharing, dividing or apportioning the fees and monies received by them or by the partnership, corporation or association in accordance with the partnership agreement or the policies of the Board of Directors of the corporation or association. Nothing contained in this subsection prohibits 2 or more corporations authorized by the Medical Corporation Act, from forming a partnership or joint venture of such corporations, and providing medical, surgical and scientific research and knowledge by employees of these corporations if such employees are licensed under this Act, or from pooling, sharing, dividing, or apportioning the fees and monies received by the partnership or joint venture in accordance with the partnership or joint venture agreement. Nothing contained in this subsection shall abrogate the right of 2 or more persons, holding valid and current licenses under this Act, to each receive adequate compensation for concurrently rendering professional services to a patient and divide a fee; provided, the patient has full knowledge of the division, and, provided, that the division is made in proportion to the services performed and responsibility assumed by each.

(15) A finding by the Medical Disciplinary Board that the registrant after having his or her license placed on probationary status or subjected to conditions or restrictions violated the terms of the probation or failed to comply with such terms or conditions.

(16) Abandonment of a patient.

(17) Prescribing, selling, administering, distributing, giving or self-administering any drug classified as a controlled substance (designated product) or narcotic for other than medically accepted therapeutic purposes.

(18) Promotion of the sale of drugs, devices, appliances or goods provided for a patient in such manner as to exploit the patient for financial gain of the physician.

(19) Offering, undertaking or agreeing to cure or treat disease by a secret method, procedure, treatment or medicine, or the treating, operating or prescribing for any human condition by a method, means or procedure which the licensee refuses to divulge upon demand of the Department.

(20) Immoral conduct in the commission of any act including, but not limited to, commission of an act of sexual misconduct related to the licensee's practice.

(21) Wilfully making or filing false records or reports in his or her practice as a physician, including, but not limited to, false records to support claims against the medical assistance program of the Department of Public Aid under the Illinois Public Aid Code.

(22) Wilful omission to file or record, or wilfully

impeding the filing or recording, or inducing another person to omit to file or record, medical reports as required by law, or wilfully failing to report an instance of suspected abuse or neglect as required by law.

(23) Being named as a perpetrator in an indicated report by the Department of Children and Family Services under the Abused and Neglected Child Reporting Act, and upon proof by clear and convincing evidence that the licensee has caused a child to be an abused child or neglected child as defined in the Abused and

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Neglected Child Reporting Act.

(24) Solicitation of professional patronage by any corporation, agents or persons, or profiting from those representing themselves to be agents of the licensee.

(25) Gross and wilful and continued overcharging for professional services, including filing false statements for collection of fees for which services are not rendered, including, but not limited to, filing such false statements for collection of monies for services not rendered from the medical assistance program of the Department of Public Aid under the Illinois Public Aid Code.

(26) A pattern of practice or other behavior which demonstrates incapacity or incompetence to practice under this Act.

(27) Mental illness or disability which results in the inability to practice under this Act with reasonable judgment, skill or safety.

(28) Physical illness, including, but not limited to, deterioration through the aging process, or loss of motor skill which results in a physician's inability to practice under this Act with reasonable judgment, skill or safety.

(29) Cheating on or attempt to subvert the licensing examinations administered under this Act.

(30) Wilfully or negligently violating the confidentiality between physician and patient except as required by law.

(31) The use of any false, fraudulent, or deceptive statement in any document connected with practice under this Act.

(32) Aiding and abetting an individual not licensed under this Act in the practice of a profession licensed under this Act.

(33) Violating state or federal laws or regulations relating to controlled substances.

(34) Failure to report to the Department any adverse final action taken against them by another licensing jurisdiction (any other state or any territory of the United States or any foreign state or country), by any peer review body, by any health care institution, by any professional society or association related to practice under this Act, by any governmental agency, by any law enforcement agency, or by any court for acts or conduct similar to acts or conduct which would constitute grounds for action as defined in this Section.

(35) Failure to report to the Department surrender of a license or authorization to practice as a medical doctor, a

doctor of osteopathy, a doctor of osteopathic medicine, or doctor of chiropractic in another state or jurisdiction, or surrender of membership on any medical staff or in any medical or professional association or society, while under disciplinary investigation by any of those authorities or bodies, for acts or conduct similar to acts or conduct which would constitute grounds for action as defined in this Section.

(36) Failure to report to the Department any adverse judgment, settlement, or award arising from a liability claim related to acts or conduct similar to acts or conduct which would constitute grounds for action as defined in this Section.

(37) Failure to transfer copies of medical records as required by law.

(38) Failure to furnish the Department, its investigators or representatives, relevant information, legally requested by the Department after consultation with the Chief Medical Coordinator or the Deputy Medical Coordinator.

(39) Violating the Health Care Worker Self-Referral Act.

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(40) Willful failure to provide notice when notice is required under the Parental Notice of Abortion Act of 1995.

(41) Failure to establish and maintain records of patient care and treatment as required by this law.

(42) Entering into an excessive number of written collaborative agreements with licensed advanced practice nurses resulting in an inability to adequately collaborate and provide medical direction.

(43) Violating the Human Cloning Act. This item (43) is inoperative upon the repeal of the Human Cloning Act.

(44) ~~(43)~~ Repeated failure to adequately collaborate with or provide medical direction to a licensed advanced practice nurse.

All proceedings to suspend, revoke, place on probationary status, or take any other disciplinary action as the Department may deem proper, with regard to a license on any of the foregoing grounds, must be commenced within 3 years next after receipt by the Department of a complaint alleging the commission of or notice of the conviction order for any of the acts described herein. Except for the grounds numbered (8), (9) and (29), no action shall be commenced more than 5 years after the date of the incident or act alleged to have violated this Section. In the event of the settlement of any claim or cause of action in favor of the claimant or the reduction to final judgment of any civil action in favor of the plaintiff, such claim, cause of action or civil action being grounded on the allegation that a person licensed under this Act was negligent in providing care, the Department shall have an additional period of one year from the date of notification to the Department under Section 23 of this Act of such settlement or final judgment in which to investigate and commence formal disciplinary proceedings under Section 36 of this Act, except as otherwise provided by law. The time during which the holder of the license was outside the State of Illinois shall not be included within any period of time limiting the commencement of

disciplinary action by the Department.

The entry of an order or judgment by any circuit court establishing that any person holding a license under this Act is a person in need of mental treatment operates as a suspension of that license. That person may resume their practice only upon the entry of a Departmental order based upon a finding by the Medical Disciplinary Board that they have been determined to be recovered from mental illness by the court and upon the Disciplinary Board's recommendation that they be permitted to resume their practice.

The Department may refuse to issue or take disciplinary action concerning the license of any person who fails to file a return, or to pay the tax, penalty or interest shown in a filed return, or to pay any final assessment of tax, penalty or interest, as required by any tax Act administered by the Illinois Department of Revenue, until such time as the requirements of any such tax Act are satisfied as determined by the Illinois Department of Revenue.

The Department, upon the recommendation of the Disciplinary Board, shall adopt rules which set forth standards to be used in determining:

- (a) when a person will be deemed sufficiently rehabilitated to warrant the public trust;
- (b) what constitutes dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud, or harm the public;
- (c) what constitutes immoral conduct in the commission of any act, including, but not limited to, commission of an act of sexual misconduct related to the licensee's practice; and

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- (d) what constitutes gross negligence in the practice of medicine.

However, no such rule shall be admissible into evidence in any civil action except for review of a licensing or other disciplinary action under this Act.

In enforcing this Section, the Medical Disciplinary Board, upon a showing of a possible violation, may compel any individual licensed to practice under this Act, or who has applied for licensure or a permit pursuant to this Act, to submit to a mental or physical examination, or both, as required by and at the expense of the Department. The examining physician or physicians shall be those specifically designated by the Disciplinary Board. The Medical Disciplinary Board or the Department may order the examining physician to present testimony concerning this mental or physical examination of the licensee or applicant. No information shall be excluded by reason of any common law or statutory privilege relating to communication between the licensee or applicant and the examining physician. The individual to be examined may have, at his or her own expense, another physician of his or her choice present during all aspects of the examination. Failure of any individual to submit to mental or physical examination, when directed, shall be grounds for suspension of his or her license until such time as the individual submits to the examination if the Disciplinary Board finds, after notice and hearing, that the refusal to submit to the examination was

without reasonable cause. If the Disciplinary Board finds a physician unable to practice because of the reasons set forth in this Section, the Disciplinary Board shall require such physician to submit to care, counseling, or treatment by physicians approved or designated by the Disciplinary Board, as a condition for continued, reinstated, or renewed licensure to practice. Any physician, whose license was granted pursuant to Sections 9, 17, or 19 of this Act, or, continued, reinstated, renewed, disciplined or supervised, subject to such terms, conditions or restrictions who shall fail to comply with such terms, conditions or restrictions, or to complete a required program of care, counseling, or treatment, as determined by the Chief Medical Coordinator or Deputy Medical Coordinators, shall be referred to the Director for a determination as to whether the licensee shall have their license suspended immediately, pending a hearing by the Disciplinary Board. In instances in which the Director immediately suspends a license under this Section, a hearing upon such person's license must be convened by the Disciplinary Board within 15 days after such suspension and completed without appreciable delay. The Disciplinary Board shall have the authority to review the subject physician's record of treatment and counseling regarding the impairment, to the extent permitted by applicable federal statutes and regulations safeguarding the confidentiality of medical records.

An individual licensed under this Act, affected under this Section, shall be afforded an opportunity to demonstrate to the Disciplinary Board that they can resume practice in compliance with acceptable and prevailing standards under the provisions of their license.

The Department may promulgate rules for the imposition of fines in disciplinary cases, not to exceed \$5,000 for each violation of this Act. Fines may be imposed in conjunction with other forms of disciplinary action, but shall not be the exclusive disposition of any disciplinary action arising out of conduct resulting in death or injury to a patient. Any funds collected from such fines shall be deposited in the Medical Disciplinary Fund.

(B) The Department shall revoke the license or visiting permit

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of any person issued under this Act to practice medicine or to treat human ailments without the use of drugs and without operative surgery, who has been convicted a second time of committing any felony under the Illinois Controlled Substances Act, or who has been convicted a second time of committing a Class 1 felony under Sections 8A-3 and 8A-6 of the Illinois Public Aid Code. A person whose license or visiting permit is revoked under this subsection B of Section 22 of this Act shall be prohibited from practicing medicine or treating human ailments without the use of drugs and without operative surgery.

(C) The Medical Disciplinary Board shall recommend to the Department civil penalties and any other appropriate discipline in disciplinary cases when the Board finds that a physician willfully performed an abortion with actual knowledge that the person upon whom the abortion has been performed is a minor or an incompetent person

without notice as required under the Parental Notice of Abortion Act of 1995. Upon the Board's recommendation, the Department shall impose, for the first violation, a civil penalty of \$1,000 and for a second or subsequent violation, a civil penalty of \$5,000.

(Source: P.A. 89-18, eff. 6-1-95; 89-201, eff. 1-1-96; 89-626, eff. 8-9-96; 89-702, eff. 7-1-97; 90-742, eff. 8-13-98.)

Section 125. The Criminal Code of 1961 is amended by adding Section 12-35 as follows:

(720 ILCS 5/12-35 new)

Sec. 12-35. Criminal cloning of humans.

(a) No person shall engage in activity which involves the use of a human somatic cell nucleus transfer technology to produce a human embryo for the process of producing a human clone.

(b) Sentence. A violation of this Section is a Class 4 felony.

(c) Definition. For purposes of this Section, "human clone" means a human being created by transferring the nucleus from a human cell from whatever source into a human egg cell from which the nucleus has been removed for the purpose of, or to implant, the resulting product to initiate a pregnancy that could result in the birth of a human being.

(d) Nothing in this Section shall be construed to restrict or prohibit biomedical research using cloning technology that is not expressly prohibited by this Section, including the cloning of human genes, cells, and tissues.

(e) Repealed. This Section is repealed on January 1, 2005.

Section 999. Effective date. This Act takes effect upon becoming law."

There being no further amendments, the foregoing Amendment No. 1, was ordered engrossed; and the bill, as amended, was ordered to a third reading.

On motion of Senator Karpiel, **Senate Bill No. 742** having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Executive, adopted and ordered printed:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 742 by replacing the title with the following:

"AN ACT concerning spinal cord injuries."; and  
by replacing everything after the enacting clause with the following:

"Section 5. The State Finance Act is amended by adding Sections 5.541, 5.542, 6z-49, and 6z-50 as follows:

(30 ILCS 105/5.541 new)

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Sec. 5.541. The Spinal Cord Injury Paralysis Cure Research Trust Fund.

(30 ILCS 105/5.542 new)

Sec. 5.542. The Spinal Cord Injury Paralysis Treatment Fund.

(30 ILCS 105/6z-49 new)

Sec. 6z-49. Spinal Cord Injury Paralysis Cure Research Trust



Fund. The Spinal Cord Injury Paralysis Cure Research Trust Fund is created as a special fund in the State treasury. In addition to any other amounts deposited into the Fund, there shall be deposited into the Fund all moneys donated to the State by private individuals or entities for purposes for which moneys in the Fund may be used as provided in this Section. Subject to appropriations, the Department of Public Health shall use moneys in the Fund to make grants to research facilities located in Illinois to conduct research to find a cure for spinal cord injury paralysis. The Department shall adopt rules necessary for making grants under this Section.

(30 ILCS 105/6z-50 new)

Sec. 6z-50. Spinal Cord Injury Paralysis Treatment Fund. The Spinal Cord Injury Paralysis Treatment Fund is created as a special fund in the State treasury. Subject to appropriations, the Department of Human Services shall use moneys in the Fund to fund treatment programs in accordance with priorities and criteria established by the Advisory Council on Spinal Cord and Head Injuries.

Section 99. Effective date. This Act takes effect upon becoming law."

There being no further amendments, the foregoing Amendment No. 1, was ordered engrossed; and the bill, as amended, was ordered to a third reading.

On motion of Senator Karpel, **Senate Bill No. 810** having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Revenue, adopted and ordered printed:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 810 by replacing the title with the following:

"AN ACT to amend the Illinois Income Tax Act by adding Section 210.5."; and

by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Income Tax Act is amended by adding Section 210.5 as follows:

(35 ILCS 5/210.5 new)

Sec. 210.5. Tax credit for employee child care.

(a) Each corporate taxpayer is entitled to a credit against the tax imposed by subsections (a) and (b) of Section 201 in an amount equal to (i) for taxable years ending on or after December 31, 2000 and on or before December 31, 2004, 30% of the start-up costs expended by the corporate taxpayer to provide a child care facility for the children of its employees and (ii) for taxable years ending on or after December 31, 2000, 5% of the annual amount paid by the corporate taxpayer in providing the child care facility for the children of its employees. The provisions of Section 250 do not apply to the 5% credit under item (ii) of this subsection. If the 5% credit authorized under item (ii) of this subsection is claimed, the 5% credit authorized under Section 210 cannot also be claimed.

To receive the tax credit under this Section a corporate taxpayer may either independently provide and operate a child care facility for the children of its employees or it may join in a partnership

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with one or more other corporations to jointly provide and operate a child care facility for the children of employees of the corporations in the partnership.

(b) The tax credit may not reduce the taxpayer's liability to less than zero. If the amount of the tax credit exceeds the tax liability for the year, the excess may be carried forward and applied to the tax liability of the 5 taxable years following the excess credit year. The credit must be applied to the earliest year for which there is a tax liability. If there are credits from more than one tax year that are available to offset a liability, then the earlier credit must be applied first.

(c) As used in this Section, "start-up costs" means planning, site-preparation, construction, renovation, or acquisition of a child care facility.

(d) A corporate taxpayer claiming the credit provided by this Section shall maintain and record such information as the Department may require by rule regarding the child care facility for which the credit is claimed.

Section 99. Effective date. This Act takes effect upon becoming law."

There being no further amendments, the foregoing Amendment No. 1, was ordered engrossed; and the bill, as amended, was ordered to a third reading.

On motion of Senator del Valle, **Senate Bill No. 1249** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Watson, **Senate Bill No. 1266** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator O'Malley, **Senate Bill No. 1275** having been printed, was taken up and read by title a second time.

The following amendments were offered in the Committee on Financial Institutions, adopted and ordered printed:

#### AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 1275 on page 1 by replacing lines 23, 24, and 25 with the following:

"licensee is to be located certifying that the licensed location complies with the zoning"; and

on page 2 by replacing line 2 with the following:

"Section 10. License required; exemption.

(a) No person, partnership,"; and

on page 2, by inserting immediately below line 6 the following:

"(b) This Act does not apply to lenders licensed under the Consumer Installment Loan Act that do not:

(1) make loans wherein, at consummation, an obligor provides to the licensee a post-dated check as payment on or security for the loan;

(2) make loans wherein, at consummation, the obligor provides to a licensee a check or other authorization for

immediate satisfaction of a future scheduled payment, but which the licensee agrees to defer deposit or initiation of until a later time, provided, however, that nothing shall prohibit a licensee from taking an authorization that an obligor's future payments be made by electronic fund transfer or from processing a check electronically; or

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(3) make loans wherein, at consummation, an obligor provides to the licensee at that time, as security for the loan, physical possession of the obligor's title to a motor vehicle."; and

on page 2, by replacing line 18 with the following:

"of a minimum of \$250,000 for an initial licensed location and \$10,000 for each additional licensed location not to exceed \$500,000 in the aggregate."; and

on page 2 by replacing line 20 with the following:

"principal sum of \$50,000 for an initial licensed location and \$10,000 for each additional licensed location. The bond must be issued by"; and

on page 2, line 26, by replacing "Act" with "Act or for the payment of any administrative fine"; and

on page 3, line 28, by changing "display" to "display in bold face type of no less than 72 points in size"; and

on page 4 by replacing lines 3, 4, and 5 with the following:

"payable in 30 days. The notice shall disclose that the licensee may not pursue criminal penalties to collect a short-term loan. The notice shall also disclose that the licensee may take possession of a vehicle used to secure a loan if the borrower fails to repay the loan. The borrower shall be entitled to any proceeds from the sale of the vehicle in excess of the amount owed on the loan."; and

on page 4 by replacing line 8 with the following:

"each year. At the time the licensee applies for license renewal, the licensee shall submit to the Department, as part of the license renewal application, an annual summary of the following information:

(1) the number of loans made that were secured by the title to a motor vehicle;

(2) the number of vehicle repossessions as a result of default on a loan secured by a title to a motor vehicle;

(3) the number of loans made that were secured by a post-dated check;

(4) the number of loans made that were secured by a post-dated check that resulted in default; and

(5) any other information the Department deems appropriate."; and

on page 4 by replacing lines 15 and 16 with the following:

"that since the original"; and

on page 6 by replacing lines 5 and 6 with the following:

"to be charged for each examination day. The fee shall"; and

on page 6, line 13, by changing "licensee" to "licensee relating to loans and transactions occurring after the effective date of this Act"; and

on page 7, line 27, by replacing "the loan." with "the loan. No

licensee may take possession of a vehicle without first giving notice to the borrower; affording the borrower the opportunity to make the vehicle available to the lender at a place, date, and time reasonably convenient to the lender and borrower; and permitting the borrower to remove from the vehicle any personal belongings without charge or additional cost to the borrower. No licensee may dispose of the vehicle without first giving at least 10 days written notice to the borrower prior to the sale and the opportunity to cure. The notice shall state the date, time, and place of the sale and provide the borrower with a written accounting of the amount owed on the loan."; and

on page 7, line 30, by changing "display" to "disclose"; and

on page 7 by replacing line 33 with the following:

"back to the borrower. Any appraisal of the value of a motor vehicle that has been used to secure a loan shall be limited to the

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vehicle's Kelly Blue Book Used Car Guide value."; and

on page 8, line 3, by changing "account" to "account, a money order, or cash; provided, however, that no additional fee may be charged by a licensee for cashing any check or money order issued by the licensee"; and

on page 9 by inserting immediately below line 10 the following:

"(e) A licensee may not charge an origination fee greater than:

(1) \$5 for a loan of not more than \$100;

(2) \$10 for a loan of more than \$100 but not more than \$250;

(3) \$15 for a loan of more than \$250 but not more than \$500; and

(4) \$20 for a loan of more than \$500."; and

on page 9, line 11, by changing "(e)" to "(f)"; and

on page 9 by replacing line 13 with the following:

"Section 75. Prepayment.

(a) At the debtor's option, a loan"; and

on page 9 by inserting immediately below line 16 the following:

"(b) A consumer shall be permitted to make partial payments on the loan at any time without charge."; and

on page 10 by replacing line 21 with the following:

"less. Only one such fee may be collected with respect to a particular check even if it has been redeposited more than once. A fee charged pursuant to this Section is a licensee's exclusive charge for late payment."; and

on page 11 by replacing lines 4, 5, 6, and 7 with the following:

"of State and shall note on the face of the loan contract the vehicle's make, model, year of manufacture, and vehicle identification number."; and

on page 11, line 8, by changing "(c)" to "(b)"; and

on page 11 by replacing lines 9 and 10 with the following:

"must release any filed liens, provide evidence of the release to the debtor, and return the title to the debtor or cause the title to be returned to the debtor."; and

on page 11, line 11, by changing "(d)" to "(c)"; and

on page 11 by replacing line 15 with the following:

"this Act without prior approval of the Director.

Section 103. Prohibited practices. In addition to any other practice or action prohibited by this Act, no licensee making loans under this Act shall commit, or have committed on its behalf, any of the following prohibited practices:

(1) Altering the date or any other information on a post-dated check used to secure a loan.

(2) Engaging in unfair, deceptive, or fraudulent practices in the making or collecting of a short-term loan.

(3) Charging to cash a check representing the proceeds of the short-term loan.

(4) Including any of the following provisions in loan documents:

(A) a hold harmless clause;

(B) an assignment of or order for payment of wages or other compensation for services;

(C) a provision in which the borrower agrees not to assert any claim or defense arising out of the contract; and

(D) a waiver of any provision of this Act.

(5) Offering for sale any credit related insurance."; and

on page 13, line 14, by changing "violation, or" to "violation. In addition to any fine, the Director may"; and

on page 15, line 13, by replacing "Section" with "Section unless the binding arbitration or mediation is required by court rule"; and

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on page 16 by deleting lines 3 through 23; and

on page 17 by replacing lines 8 through 12 with the following:

"Section 147. Home rule. This Act is a limitation under subsection (i) of Section"; and

on page 17 by inserting immediately below line 22 the following:

"Section 190. The Interest Act is amended by changing Section 4 as follows:

(815 ILCS 205/4) (from Ch. 17, par. 6404)

Sec. 4. General interest rate.

(1) In all written contracts it shall be lawful for the parties to stipulate or agree that 9% per annum, or any less sum of interest, shall be taken and paid upon every \$100 of money loaned or in any manner due and owing from any person to any other person or corporation in this state, and after that rate for a greater or less sum, or for a longer or shorter time, except as herein provided.

The maximum rate of interest that may lawfully be contracted for is determined by the law applicable thereto at the time the contract is made. Any provision in any contract, whether made before or after July 1, 1969, which provides for or purports to authorize, contingent upon a change in the Illinois law after the contract is made, any rate of interest greater than the maximum lawful rate at the time the contract is made, is void.

It is lawful for a state bank or a branch of an out-of-state bank, as those terms are defined in Section 2 of the Illinois Banking Act, to receive or to contract to receive and collect interest and charges at any rate or rates agreed upon by the bank or branch and the borrower.

It is lawful to receive or to contract to receive and collect interest and charges as authorized by this Act and as authorized by the Short-term Loan Act, by the Consumer Installment Loan Act, and by the "Consumer Finance Act", approved July 10, 1935, as now or hereafter amended. It is lawful to charge, contract for, and receive any rate or amount of interest or compensation with respect to the following transactions:

- (a) Any loan made to a corporation;
- (b) Advances of money, repayable on demand, to an amount not less than \$5,000, which are made upon warehouse receipts, bills of lading, certificates of stock, certificates of deposit, bills of exchange, bonds or other negotiable instruments pledged as collateral security for such repayment, if evidenced by a writing;
- (c) Any credit transaction between a merchandise wholesaler and retailer; any business loan to a business association or copartnership or to a person owning and operating a business as sole proprietor or to any persons owning and operating a business as joint venturers, joint tenants or tenants in common, or to any limited partnership, or to any trustee owning and operating a business or whose beneficiaries own and operate a business, except that any loan which is secured (1) by an assignment of an individual obligor's salary, wages, commissions or other compensation for services, or (2) by his household furniture or other goods used for his personal, family or household purposes shall be deemed not to be a loan within the meaning of this subsection; and provided further that a loan which otherwise qualifies as a business loan within the meaning of this subsection shall not be deemed as not so qualifying because of the inclusion, with other security consisting of business assets of any such obligor, of real estate occupied by an individual obligor solely as his residence. The term "business" shall be deemed to mean a commercial, agricultural or industrial

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enterprise which is carried on for the purpose of investment or profit, but shall not be deemed to mean the ownership or maintenance of real estate occupied by an individual obligor solely as his residence;

(d) Any loan made in accordance with the provisions of Subchapter I of Chapter 13 of Title 12 of the United States Code, which is designated as "Housing Renovation and Modernization";

(e) Any mortgage loan insured or upon which a commitment to insure has been issued under the provisions of the National Housing Act, Chapter 13 of Title 12 of the United States Code;

(f) Any mortgage loan guaranteed or upon which a commitment to guaranty has been issued under the provisions of the Veterans' Benefits Act, Subchapter II of Chapter 37 of Title 38 of the United States Code;

(g) Interest charged by a broker or dealer registered under the Securities Exchange Act of 1934, as amended, or registered under the Illinois Securities Law of 1953, approved July 13, 1953, as now or hereafter amended, on a debit balance in an

account for a customer if such debit balance is payable at will without penalty and is secured by securities as defined in Uniform Commercial Code-Investment Securities;

(h) Any loan made by a participating bank as part of any loan guarantee program which provides for loans and for the refinancing of such loans to medical students, interns and residents and which are guaranteed by the American Medical Association Education and Research Foundation;

(i) Any loan made, guaranteed, or insured in accordance with the provisions of the Housing Act of 1949, Subchapter III of Chapter 8A of Title 42 of the United States Code and the Consolidated Farm and Rural Development Act, Subchapters I, II, and III of Chapter 50 of Title 7 of the United States Code;

(j) Any loan by an employee pension benefit plan, as defined in Section 3 (2) of the Employee Retirement Income Security Act of 1974 (29 U.S.C.A. Sec. 1002), to an individual participating in such plan, provided that such loan satisfies the prohibited transaction exemption requirements of Section 408 (b) (1) (29 U.S.C.A. Sec. 1108 (b) (1)) or Section 2003 (a) (26 U.S.C.A. Sec. 4975 (d) (1)) of the Employee Retirement Income Security Act of 1974;

(k) Written contracts, agreements or bonds for deed providing for installment purchase of real estate;

(l) Loans secured by a mortgage on real estate;

(m) Loans made by a sole proprietorship, partnership, or corporation to an employee or to a person who has been offered employment by such sole proprietorship, partnership, or corporation made for the sole purpose of transferring an employee or person who has been offered employment to another office maintained and operated by the same sole proprietorship, partnership, or corporation;

(n) Loans to or for the benefit of students made by an institution of higher education.

(2) Except for loans described in subparagraph (a), (c), (d), (e), (f) or (i) of subsection (1) of this Section, and except to the extent permitted by the applicable statute for loans made pursuant to Section 4a or pursuant to the Consumer Installment Loan Act:

(a) Whenever the rate of interest exceeds 8% per annum on any written contract, agreement or bond for deed providing for the installment purchase of residential real estate, or on any loan secured by a mortgage on residential real estate, it shall be unlawful to provide for a prepayment penalty or other charge

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for prepayment.

(b) No agreement, note or other instrument evidencing a loan secured by a mortgage on residential real estate, or written contract, agreement or bond for deed providing for the installment purchase of residential real estate, may provide for any change in the contract rate of interest during the term thereof. However, if the Congress of the United States or any federal agency authorizes any class of lender to enter, within limitations, into mortgage contracts or written contracts,

agreements or bonds for deed in which the rate of interest may be changed during the term of the contract, any person, firm, corporation or other entity not otherwise prohibited from entering into mortgage contracts or written contracts, agreements or bonds for deed in Illinois may enter into mortgage contracts or written contracts, agreements or bonds for deed in which the rate of interest may be changed during the term of the contract, within the same limitations.

(3) In any contract or loan which is secured by a mortgage, deed of trust, or conveyance in the nature of a mortgage, on residential real estate, the interest which is computed, calculated, charged, or collected pursuant to such contract or loan, or pursuant to any regulation or rule promulgated pursuant to this Act, may not be computed, calculated, charged or collected for any period of time occurring after the date on which the total indebtedness, with the exception of late payment penalties, is paid in full.

For purposes of this Section, a prepayment shall mean the payment of the total indebtedness, with the exception of late payment penalties if incurred or charged, on any date before the date specified in the contract or loan agreement on which the total indebtedness shall be paid in full, or before the date on which all payments, if timely made, shall have been made. In the event of a prepayment of the indebtedness which is made on a date after the date on which interest on the indebtedness was last computed, calculated, charged, or collected but before the next date on which interest on the indebtedness was to be calculated, computed, charged, or collected, the lender may calculate, charge and collect interest on the indebtedness for the period which elapsed between the date on which the prepayment is made and the date on which interest on the indebtedness was last computed, calculated, charged or collected at a rate equal to 1/360 of the annual rate for each day which so elapsed, which rate shall be applied to the indebtedness outstanding as of the date of prepayment. The lender shall refund to the borrower any interest charged or collected which exceeds that which the lender may charge or collect pursuant to the preceding sentence. The provisions of this amendatory Act of 1985 shall apply only to contracts or loans entered into on or after the effective date of this amendatory Act, but shall not apply to contracts or loans entered into on or after that date that are subject to Section 4a of this Act, the Consumer Installment Loan Act, or the Retail Installment Sales Act, or that provide for the refund of precomputed interest on prepayment in the manner provided by such Act.

(Source: P.A. 89-208, eff. 9-29-95.); and

on page 17 by replacing lines 23 and 24 with the following:

"Section 199. Effective date. This Act takes effect September 1, 2000."

#### AMENDMENT NO. 2

AMENDMENT NO. 2. Amend Senate Bill 1275, AS AMENDED, by replacing the title with the following:

"AN ACT concerning the regulation of certain lending practices.";

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and

by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Short-term Loan Act.

Section 5. Definitions.

"Check" means a check, draft, or other negotiable instrument used for payment of money.

"Department" means the Department of Financial Institutions.

"Director" means the Director of the Department of Financial Institutions.

"Interest-bearing loan" means a loan in which the debt is expressed as a principal amount plus interest charged on actual unpaid principal balances for the time actually outstanding.

"Licensee" means an entity licensed under this Act to provide loan services.

"Local Government Authorization Form" means a form prescribed by the Director and signed by the clerk or chief executive officer of the county or municipality in which the licensee is to be located certifying that the licensed location complies with the zoning and all other applicable county or municipal ordinances and regulations.

"Net worth" means total assets minus total liabilities.

"Refinance" means to renew or extend a loan beyond its original term.

"Short-term loan" means a loan that has a term of not more than 30 days or upon which interest is charged at an annual percentage rate exceeding 36% and made by a lender that does not accept insured deposits.

Section 10. License required; exemption.

(a) No person, partnership, association, limited liability company, corporation, or other business combination or entity may engage in the business of making short-term loans except as authorized by this Act and while licensed under this Act.

(b) This Act does not apply to lenders licensed under the Consumer Installment Loan Act that do not:

(1) make loans wherein, at consummation, an obligor provides to the licensee a post-dated check as payment on or security for the loan;

(2) make loans wherein, at consummation, the obligor provides to a licensee a check or other authorization for immediate satisfaction of a future scheduled payment, but which the licensee agrees to defer deposit or initiation of until a later time, provided, however, that nothing shall prohibit a licensee from taking an authorization that an obligor's future payments be made by electronic fund transfer or from processing a check electronically; or

(3) make loans wherein, at consummation, an obligor provides to the licensee at that time, as security for the loan, physical possession of the obligor's title to a motor vehicle.

Section 15. Application; fees; net worth; bond.

(a) An applicant for a license under this Act shall apply in writing in the form prescribed by the Director. At the time of making the application, the applicant shall pay to the Director \$750 as a nonrefundable application fee and \$1,000 as an annual license fee for a period terminating on the last day of the current calendar year. If the application is filed after June 30th in any year, however, the license fee shall be 50% of the annual license fee for the year.

(b) An applicant shall prove in form satisfactory to the Director

that the applicant has and will maintain net worth of a minimum of \$250,000 for an initial licensed location and \$10,000 for each additional licensed location not to exceed \$500,000 in the aggregate.

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(c) A licensee shall maintain a surety bond in the principal sum of \$50,000 for an initial licensed location and \$10,000 for each additional licensed location. The bond must be issued by a bonding company authorized to do business in this State and approved by the Director. The bond shall run to the Director and shall be for the benefit of any person who is lawfully awarded damages pursuant to an appropriate court order as a result of the actions of the licensee arising out of a violation of this Act or for the payment of any administrative fine. If the Director finds at any time that a bond is of insufficient size or is insecure, exhausted, or otherwise doubtful, an additional bond in such amount as determined by the Director shall be filed by the licensee within 30 days after written demand therefor by the Director.

(d) An applicant shall provide a completed Local Government Authorization Form signed by the clerk or chief executive officer of the county or municipality in which the licensee is to be established with any application for a license, license renewal, or relocation.

Section 20. Granting of license.

(a) The Director shall not issue a license for the location described in the application if he or she finds any of the following to exist:

(1) a director, managerial employee, collection agent, partner, or officer of the applicant has been convicted of a felony;

(2) the location fails to conform to local zoning laws with respect to location, structural, aesthetic, or other requirements;

(3) the location is within one mile of a facility operated by an inter-track wagering location licensee or an organization licensee subject to the Illinois Horse Racing Act of 1975, is within one mile of a facility at which gambling is conducted under the Riverboat Gambling Act, is within one mile of the location at which a riverboat subject to the Riverboat Gambling Act docks, or is within one mile of the main or branch campus of a public or private college or university that provides student housing or student residences; or

(4) the applicant has failed to submit a completed Local Government Authorization Form.

(b) A licensee must obtain written approval from the Director before relocating a licensed office.

(c) A licensee shall prominently display in bold face type of no less than 72 points in size at each licensed location a notice disclosing that the licensee is regulated by the Department of Financial Institutions and that any questions regarding such licensing or the availability of debt management services should be directed to the Department at an 800 or other toll-free telephone number specified in the notice. The notice shall disclose a schedule of all fees and interest to be charged, including the corresponding

interest rate, for loans payable in 14 days and for loans payable in 30 days. The notice shall disclose that the licensee may not pursue criminal penalties to collect a short-term loan. The notice shall also disclose that the licensee may take possession of a vehicle used to secure a loan if the borrower fails to repay the loan. The borrower shall be entitled to any proceeds from the sale of the vehicle in excess of the amount owed on the loan.

Section 25. License renewal.

(a) A license under this Act expires on December 31 of each year. At the time the licensee applies for license renewal, the licensee shall submit to the Department, as part of the license renewal application, an annual summary of the following information:

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(1) the number of loans made that were secured by the title to a motor vehicle;

(2) the number of vehicle repossessions as a result of default on a loan secured by a title to a motor vehicle;

(3) the number of loans made that were secured by a post-dated check;

(4) the number of loans made that were secured by a post-dated check that resulted in default; and

(5) any other information the Department deems appropriate.

(b) A license must be renewed on forms prescribed by the Director no later than November 30 of each year.

(c) A license not renewed by December 31 shall be considered canceled without the licensee being entitled to a hearing.

(d) The Director may not renew a license for a location that since the original issuance or most recent renewal:

(1) has a director, managerial employee, collection agent, partner, or officer of the applicant that has been convicted of a felony;

(2) is within one mile of a facility operated by an inter-track wagering location licensee or an organization licensee subject to the Illinois Horse Racing Act of 1975, is within one mile of a facility at which gambling is conducted under the Riverboat Gambling Act, is within one mile of the location at which a riverboat subject to the Riverboat Gambling Act docks, or is within one mile of the main or branch campus of a public or private college or university which provides student housing or student residences; or

(3) fails to provide a completed Local Government Authorization Form.

Section 30. Multiple licenses to same licensee. No more than one place of business shall be maintained under the same license, but the Director may issue more than one license to the same licensee upon compliance with all of the provisions of this Act governing the original issuance of a license.

Section 35. Lending limits and refinancing. A loan secured by a post-dated check may not exceed \$500 in principal amount, and any other loan may not exceed \$2,000 in principal amount. A loan made under this Act may be refinanced a maximum number of 2 times but only when the loan's outstanding balance has been reduced by 25%. If a

loan is secured by a post-dated check, the post-dated check must name the lender as the payee.

Section 40. Investigation of conduct of business.

(a) For the purpose of discovering violations of this Act or securing information lawfully required by it, the Director may at any time investigate the loans and business and examine the books, accounts, records, and files used therein, of every licensee and of every person, partnership, association, limited liability company, and corporation engaged in the business of making short-term loans, whether such person, partnership, association, limited liability company, or corporation shall act or claim to act as principal or agent or within or without the authority of this Act. For such purpose, the Director shall have free access to the offices and places of business, books, accounts, papers, records, files, safes, and vaults of such persons, partnerships, associations, limited liability companies, and corporations. The Director may require the attendance of and examine under oath all persons whose testimony he or she may require relative to such loans or such business, and in such cases, the Director shall have power to administer oaths to all persons called as witnesses, and the Director may conduct such examinations.

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(b) The Director shall make an examination of the affairs, business, office, and records of each licensee at least once each year. The Director shall by rule set the fee to be charged for each examination day. The fee shall reasonably reflect actual costs. The Director shall also have authority to examine the books and records, as the Director deems necessary, of a former licensee that is being liquidated and may charge the examination fees otherwise required for licensees.

(c) All books, accounts, records, and files of a licensee relating to loans and transactions occurring after the effective date of this Act shall be available in a computerized or electronic format and shall, at a minimum, provide the following information:

- (1) the customer's name and the original date of the loan;
- (2) an indication of whether the transaction recorded is a new loan or a refinancing of an existing loan and, if a refinancing, the date of the refinancing;
- (3) the number of loan contracts obtained by the borrower, including refinancings of prior loans;
- (4) the total finance charges incurred by that customer with respect to the loan transaction;
- (5) a record of transactions in which the proceeds of a loan were provided to a borrower in cash; and
- (6) such other information as the Director may require.

Section 45. Contractual disclosures and prohibitions.

(a) The loan contract must provide all disclosures required by the federal Truth-In-Lending Act, including Regulation Z. A copy of all loan documents must be given to the borrower.

(b) Before entering into a short-term loan agreement, a licensee must give to the borrower a pamphlet describing the availability of debt management services and the borrower's rights and

responsibilities in the transaction and providing an 800 or other toll-free number through which the borrower can contact the Department of Financial Institutions regarding questions, complaints, and debt management services.

(c) The loan contract must include a separate statement signed by the debtor attesting that the debtor has not had an outstanding short-term loan within the preceding 30 days.

No loan other than the refinancing of an original loan may be provided to a borrower who has obtained a loan from a licensee under this Act until 30 days have elapsed from the date the loan or any refinanced loan has been repaid in full.

(d) A licensee who knowingly or recklessly makes a loan, other than the refinancing of a loan, to a borrower who has obtained a loan from a licensee under this Act sooner than 30 days after that loan has been repaid is guilty of a Class 4 felony.

It shall be an affirmative defense to a charge of reckless violation of this subsection that the licensee has established and maintained a system that provides a reasonable method of identifying borrowers and utilized that system in processing the loan. Any such system must, at a minimum, allow the licensee to check the identification and borrower files of all of its affiliates or subsidiaries.

A borrower who provides a false statement with respect to outstanding loans made to the borrower under this Act within the 30 days preceding the obtaining of a new loan and obtains a new loan may not bring a civil action pursuant to Section 120 of this Act with respect to the new loan.

(e) No licensee may require binding arbitration or mediation prior to the filing of a civil action pursuant to Section 120 nor provide for arbitration or mediation in a venue other than the county

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in which the loan was made. No loan contract may contain a cognovit or confession of judgment clause or provision. No short-term loan may require the borrower to deposit a set of vehicle keys with the lender or an agent of the lender as a condition of, or incident to, the loan. No licensee may take possession of a vehicle without first giving notice to the borrower; affording the borrower the opportunity to make the vehicle available to the lender at a place, date, and time reasonably convenient to the lender and borrower; and permitting the borrower to remove from the vehicle any personal belongings without charge or additional cost to the borrower. No licensee may dispose of the vehicle without first giving at least 10 days written notice to the borrower prior to the sale and the opportunity to cure. The notice shall state the date, time, and place of the sale and provide the borrower with a written accounting of the amount owed on the loan. A loan contract shall advise the borrower that matters involving improprieties in the making of the loan or in loan collection practices may be referred to the Department and shall prominently disclose the Department's address and telephone number. No licensee may take possession of a motor vehicle for a loan default and lease the vehicle back to the borrower. Any appraisal of the value of a motor vehicle that has been used to secure a loan shall be

limited to the vehicle's Kelly Blue Book Used Car Guide value.

The contract shall include a notice printed in boldface type that the licensee may not pursue criminal penalties to collect a short-term loan.

Section 46. Advertising. Any advertising for a loan transacted under this Act that states a rate or amount of charge for a loan must state the rate as an annual percentage rate. The annual percentage rate shall be conspicuously disclosed.

Section 47. Debt management service; notice.

(a) At the time a licensee conveys a second notice to a borrower indicating the borrower is in arrears or any notice that the borrower is in default for a debt issued by the licensee under this Act, the licensee shall include with the notice a statement indicating an 800 or other toll-free telephone number of the Department of Financial Institutions which the borrower may contact for the purpose of the borrower receiving information from the Department on how to contact a debt management service for assistance in resolving debt problems of the borrower. The form and method of the notice provided by licensees shall be subject to approval by the Department.

(b) The Department is required to establish an 800 or other toll-free telephone number as provided by subsection (a) of this Section. This 800 or other toll-free number may be the same as that disclosed under subsection (b) of Section 45. The Department shall, in cooperation with an organization representing debt management services, establish a listing of debt management service offices that the Department shall provide to borrowers who are requesting the services of those offices. The Department shall provide the list on an approximate geographic basis as that relates to the borrower's residence.

(c) When an original loan made under this Act is refinanced pursuant to Section 35 of this Act, the licensee shall provide a copy of a statement to the borrower which contains the information set forth in subsection (a) of this Section. The statement shall be provided to the borrower separately from the loan refinancing contract at the time the loan refinancing contract is signed by the borrower.

(d) Each loan refinancing contract executed by a licensee shall include a statement, which shall be initialed by the borrower, as follows:

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"I have received from (name of lender) a toll free number for the Department of Financial Institutions that I can call for information regarding debt management service.".

(e) The Department shall adopt rules to implement the requirements of this Section. For the purposes of this Section, "debt management service" has the meaning given that term in the Debt Management Service Act.

Section 50. Loan proceeds. A licensee must issue the proceeds of a loan in the form of a check drawn on the licensee's bank account, in cash, or by money order. When the proceeds are issued in the form of a check drawn on the licensee's bank account or by money order, the licensee may not charge a fee for cashing the check or money

order. When the proceeds are issued in cash, the licensee must provide the borrower with a written verification of the cash transaction and shall maintain an electronic record indicating a transaction pursuant to subsection (c) of Section 40.

Section 55. Security interest. In making a short-term loan, a licensee shall not take a security interest in any of the debtor's property other than the post-dated check or the debtor's motor vehicle title, which is tendered by the debtor at the time of obtaining the loan. When a post-dated check is taken as security for a loan, the licensee must stamp or otherwise imprint on the back of the check a notation that the check secures a deferred deposit loan made under this Act and that any holder takes the check subject to the claims and defenses of the maker.

Section 60. Other business. A licensee shall not engage in any business other than that for which the license is issued at the licensed location without the prior written approval of the Director.

Section 70. Charging of interest.

(a) All loans must be interest-bearing.

(b) To compute time for the calculation of interest and other purposes, the licensee shall calculate interest at the rate of 1/365th of the agreed annual rate for each day actually elapsed.

(c) Interest shall be computed on unpaid principal balances outstanding from time to time, for the time outstanding, until fully paid. Each payment shall be applied first to the accumulated interest and the remainder of the payment applied to the unpaid principal balance; provided, however, that if the amount of the payment is insufficient to pay the accumulated interest, the unpaid interest continues to accumulate to be paid from the proceeds of subsequent payments and may not be added to the principal balance.

(d) Interest shall not be payable in advance or compounded.

(e) Licensees may not assess charges unless expressly permitted in this Act.

Section 75. Prepayment.

(a) At the debtor's option, a loan may be prepaid either in part or in full with the licensee refunding the unearned interest charge calculated on a prorata daily basis.

(b) A consumer shall be permitted to make partial payments on the loan at any time without charge.

Section 80. Closing of business; surrender of license.

(a) At least 10 days prior to a licensee ceasing operations or closing business, the licensee shall:

(1) notify the Department of its action in writing;

(2) surrender its license to the Director for cancellation;

and

(3) notify the Department of the location where the books, accounts, contracts, and records will be maintained and the procedure to ensure prompt return of contracts, titles, and releases to the customers.

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(b) The surrender of the license shall not affect the licensee's civil or criminal liability for acts committed prior to surrender nor entitle the licensee to a return of any part of the annual license

fee.

(c) The accounts, books, records, and contracts shall be maintained and serviced by the licensee or another licensee under this Act, or an entity exempt from licensure under this Act.

(d) The Department shall have the authority to conduct examinations of the books, records, and loan documents at any time after surrender of the license, filing of bankruptcy, or the cessation of operations.

#### Section 85. Bankruptcy.

(a) On the date of filing for bankruptcy, the licensee shall notify the Department in writing of the:

- (1) date of bankruptcy;
- (2) docket number;
- (3) presiding judge; and
- (4) name and address of the trustee.

(b) If the bankrupt entity elects to close its business, the provisions in Section 80 must be satisfied.

#### Section 90. Returned checks.

(a) If a check received as payment for a loan is returned to the licensee for nonpayment, the licensee may assess the debtor a fee not exceeding \$15 or the cost actually incurred by the lender as an insufficient funds charge, whichever is less. Only one such fee may be collected with respect to a particular check even if it has been redeposited more than once. A fee charged pursuant to this Section is a licensee's exclusive charge for late payment.

(b) No licensee, nor any person claiming directly or indirectly through the licensee for a loan made pursuant to this Act, may pursue or threaten to pursue criminal penalties against a debtor for any returned or dishonored check.

(c) A violation of this Section is a Class B misdemeanor. In addition to all other criminal and administrative enforcement and penalties, a claim of violation of this Section may be asserted pursuant to Section 120 of this Act.

#### Section 95. Recording or releasing lien.

(a) Upon making a loan secured by a title to a motor vehicle, the licensee must immediately take into possession evidence of the debtor's ownership in the motor vehicle that has been registered with the Office of the Illinois Secretary of State and shall note on the face of the loan contract the vehicle's make, model, year of manufacture, and vehicle identification number.

(b) Within 24 hours after payment in full, the licensee must release any filed liens, provide evidence of the release to the debtor, and return the title to the debtor or cause the title to be returned to the debtor.

(c) The licensee may not charge, directly or indirectly, fees associated with the repossession of a motor vehicle.

Section 100. Sale or hypothecation of a loan. No licensee may sell, hypothecate, pledge, or assign any loan made under this Act without prior approval of the Director.

Section 103. Prohibited practices. In addition to any other practice or action prohibited by this Act, no licensee making loans under this Act shall commit, or have committed on its behalf, any of the following prohibited practices:

- (1) Altering the date or any other information on a post-dated check used to secure a loan.
- (2) Engaging in unfair, deceptive, or fraudulent practices in the making or collecting of a short-term loan.



(3) Including any of the following provisions in loan documents:

(A) a hold harmless clause;

(B) an assignment of or order for payment of wages or other compensation for services;

(C) a provision in which the borrower agrees not to assert any claim or defense arising out of the contract; and

(D) a waiver of any provision of this Act.

(4) Offering for sale any credit related insurance.

(5) Using or threatening criminal prosecution or multiple damages under Section 17-1a of the Criminal Code of 1961 in collecting a loan.

Section 105. Financial Institution Fund; deposits. All moneys received by the Department under this Act shall be deposited in the Financial Institution Fund created under Section 6z-26 of the State Finance Act.

Section 110. Penalties for violation; cease and desist orders.

(a) Any entity engaging in the business of making short-term loans without the requisite license is guilty of a Class 4 felony.

(b) A license issued under this Act may be revoked if the licensee or any director, manager of a limited liability company, partner, or officer thereof is convicted of a felony.

(c) No provision of this Section imposing any liability shall apply to any act done or omitted in conformity with any rule or written interpretation thereof by the Department of Financial Institutions, notwithstanding that after that act or omission has occurred, the rule or interpretation is amended, rescinded, or determined by judicial or other authority to be invalid for any reason. All interpretations relied upon must be written and signed by the Department's Chief Counsel and approved by the Director.

(d) The Director may issue a cease and desist order to any licensee, or person doing business without the required license, when, in the opinion of the Director, the licensee or other person is violating or is about to violate any provision of this Act or any rule or requirement imposed in writing by the Department as a condition of granting any authorization permitted by this Act.

(e) The Director may issue a cease and desist order prior to holding a hearing.

(f) The Director shall serve notice of his or her action, designated as a cease and desist order made pursuant to this Section, including a statement of the reasons for the action, either personally or by certified mail, return receipt requested. Service by certified mail shall be deemed completed when the notice is deposited in the U.S. mail.

(g) Within 15 days after service of the cease and desist order, the licensee or other person may request, in writing, a hearing.

(h) The Director shall schedule a hearing within 30 days after receiving the request for a hearing unless otherwise agreed to by the parties.

(i) The Director shall have the authority to prescribe rules for the administration of this Section.

(j) If it is determined that the Director had the authority to issue the cease and desist order, he or she may issue such orders as may be reasonably necessary to correct, eliminate, or remedy such conduct.

(k) The powers vested in the Director by this Section are additional to any and all other powers and remedies vested in the Director by law, and nothing in this Section shall be construed as requiring that the Director shall employ the power conferred in this Section instead of or as a condition precedent to the exercise of any

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other power or remedy vested in the Director.

(1) The cost for the administrative hearing shall be set by rule. Section 115. Fines; suspension or revocation of license.

(a) The Director may, after 10 days notice by registered mail to the licensee at the address set forth in the license stating the contemplated action and in general the grounds therefor, fine the licensee an amount not exceeding \$10,000 per violation. In addition to any fine, the Director may revoke or suspend any license issued under this Act if the Director finds that:

(1) the licensee has failed to comply with any provision of this Act or any order, decision, finding, rule, or direction of the Director lawfully made pursuant to the authority of this Act; or

(2) any fact or condition exists that, if it had existed at the time of the original application for the license, clearly would have warranted the Director in refusing to issue the license.

(b) The Director may fine, suspend, or revoke only the particular license with respect to which grounds for the fine, revocation, or suspension occur or exist, but if the Director finds that grounds for revocation are of general application to all offices or to more than one office of the licensee, the Director shall fine, suspend, or revoke every license to which the grounds apply.

(c) No revocation, suspension, or surrender of any license shall impair or affect the obligation of any pre-existing lawful contract between the licensee and any obligor.

(d) The Director may issue a new license to a former licensee whose license has been revoked when facts or conditions that clearly would warrant the Director in refusing to issue the license do not exist.

(e) In every case in which a license is suspended or revoked or an application for a license or renewal of a license is denied, the Director shall serve the licensee with notice of that action, including a statement of the reasons for the action, either personally or by certified mail, return receipt requested. Service by certified mail shall be deemed completed when the notice is deposited in the U.S. Mail.

(f) An order assessing a fine, an order revoking or suspending a license, or an order denying renewal of a license shall take effect upon service of the order unless the licensee requests, in writing, within 10 days after the date of service, a hearing. If a hearing is requested, the order shall be stayed until a final administrative

order is entered.

(g) If the licensee requests a hearing, the Director shall schedule a hearing within 30 days after the request for a hearing is received unless otherwise agreed to by the parties.

(h) The hearing shall be held at the time and place designated by the Director. The Director and any administrative law judge designated by him or her shall have the power to administer oaths and affirmations, subpoena witnesses and compel their attendance, take evidence, and require the production of books, papers, correspondence, and other records or information that he or she considers relevant or material to the inquiry.

(i) The costs for the administrative hearing shall be set by rule.

(j) The Director shall have the authority to prescribe rules for the administration of this Section.

Section 120. Civil action. A claim of violation of this Act by a short-term lender may be asserted in a civil action, including a class action, by any aggrieved person, for which punitive damages,

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costs, and reasonable attorney fees may be awarded. A borrower who falsely attests to not having an outstanding loan made by a licensee under this Act within the preceding 30 days, as required under Section 45, in order to obtain a new loan may not bring a civil action under this Section with respect to the new loan. No loan contract may require binding arbitration or mediation prior to filing a civil action pursuant to this Section unless the binding arbitration or mediation is required by court rule.

Section 125. Rules. The Department may make and enforce such reasonable rules, directions, orders, decisions, and findings as the execution and enforcement of the provisions of this Act require and as are not inconsistent therewith.

Section 130. Judicial review. All final administrative decisions of the Department under this Act shall be subject to judicial review pursuant to the provisions of the Administrative Review Law, all amendments and modifications thereof, and any rules adopted pursuant thereto.

Section 135. Injunction; civil penalty; costs. If it appears to the Director that a person or any entity has committed or is about to commit a violation of this Act, a rule promulgated under this Act, or an order of the Director, the Director may apply to the circuit court for an order enjoining the person or entity from violating or continuing to violate this Act, the rule, or order and for injunctive or other relief that the nature of the case may require and may, in addition, request the court to assess a civil penalty up to \$1,000 along with costs and attorney's fees.

Section 145. Local ordinances.

(a) A county or municipality may, by ordinance, require a short-term lender to conduct its business within a described geographic zone and may require that the licensed building or premises conform to described aesthetic standards.

(b) A county or municipality may, by ordinance, require a short-term lender to make all required disclosures, pamphlets, and

posted notices in languages other than English as required to meet the needs of the community in which the short-term lender is located, including but not limited to notice of interest rates and fees, and that use of the criminal justice system to collect a loan after default is prohibited. A local ordinance may also require the posting of a schedule in English and an appropriate foreign language indicating all fees and interest to be charged on a loan payable in 14 days and on a loan payable in 30 days.

Section 147. Home rule. This Act is a limitation under subsection (i) of Section 6 of Article VII of the Illinois Constitution on the concurrent exercise by home rule units of powers and functions exercised by the State. A county or municipality may charge a licensee a fee to cover the costs and expenses reasonably associated with any inspection, clerical, and other costs incurred in verifying and providing information required by a Local Government Authorization Form or otherwise associated with local regulations.

Section 150. Severability. The provisions of this Act are severable under Section 1.31 of the Statute on Statutes.

Section 190. The Interest Act is amended by changing Section 4 as follows:

(815 ILCS 205/4) (from Ch. 17, par. 6404)

Sec. 4. General interest rate.

(1) In all written contracts it shall be lawful for the parties to stipulate or agree that 9% per annum, or any less sum of interest, shall be taken and paid upon every \$100 of money loaned or in any manner due and owing from any person to any other person or corporation in this state, and after that rate for a greater or less

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sum, or for a longer or shorter time, except as herein provided.

The maximum rate of interest that may lawfully be contracted for is determined by the law applicable thereto at the time the contract is made. Any provision in any contract, whether made before or after July 1, 1969, which provides for or purports to authorize, contingent upon a change in the Illinois law after the contract is made, any rate of interest greater than the maximum lawful rate at the time the contract is made, is void.

It is lawful for a state bank or a branch of an out-of-state bank, as those terms are defined in Section 2 of the Illinois Banking Act, to receive or to contract to receive and collect interest and charges at any rate or rates agreed upon by the bank or branch and the borrower.

It is lawful to receive or to contract to receive and collect interest and charges as authorized by this Act and as authorized by the Short-term Loan Act, by the Consumer Installment Loan Act, and by the "Consumer Finance Act", approved July 10, 1935, as now or hereafter amended. It is lawful to charge, contract for, and receive any rate or amount of interest or compensation with respect to the following transactions:

(a) Any loan made to a corporation;

(b) Advances of money, repayable on demand, to an amount not less than \$5,000, which are made upon warehouse receipts, bills of lading, certificates of stock, certificates of deposit,

bills of exchange, bonds or other negotiable instruments pledged as collateral security for such repayment, if evidenced by a writing;

(c) Any credit transaction between a merchandise wholesaler and retailer; any business loan to a business association or copartnership or to a person owning and operating a business as sole proprietor or to any persons owning and operating a business as joint venturers, joint tenants or tenants in common, or to any limited partnership, or to any trustee owning and operating a business or whose beneficiaries own and operate a business, except that any loan which is secured (1) by an assignment of an individual obligor's salary, wages, commissions or other compensation for services, or (2) by his household furniture or other goods used for his personal, family or household purposes shall be deemed not to be a loan within the meaning of this subsection; and provided further that a loan which otherwise qualifies as a business loan within the meaning of this subsection shall not be deemed as not so qualifying because of the inclusion, with other security consisting of business assets of any such obligor, of real estate occupied by an individual obligor solely as his residence. The term "business" shall be deemed to mean a commercial, agricultural or industrial enterprise which is carried on for the purpose of investment or profit, but shall not be deemed to mean the ownership or maintenance of real estate occupied by an individual obligor solely as his residence;

(d) Any loan made in accordance with the provisions of Subchapter I of Chapter 13 of Title 12 of the United States Code, which is designated as "Housing Renovation and Modernization";

(e) Any mortgage loan insured or upon which a commitment to insure has been issued under the provisions of the National Housing Act, Chapter 13 of Title 12 of the United States Code;

(f) Any mortgage loan guaranteed or upon which a commitment to guaranty has been issued under the provisions of the Veterans' Benefits Act, Subchapter II of Chapter 37 of Title 38 of the United States Code;

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(g) Interest charged by a broker or dealer registered under the Securities Exchange Act of 1934, as amended, or registered under the Illinois Securities Law of 1953, approved July 13, 1953, as now or hereafter amended, on a debit balance in an account for a customer if such debit balance is payable at will without penalty and is secured by securities as defined in Uniform Commercial Code-Investment Securities;

(h) Any loan made by a participating bank as part of any loan guarantee program which provides for loans and for the refinancing of such loans to medical students, interns and residents and which are guaranteed by the American Medical Association Education and Research Foundation;

(i) Any loan made, guaranteed, or insured in accordance with the provisions of the Housing Act of 1949, Subchapter III of Chapter 8A of Title 42 of the United States Code and the

Consolidated Farm and Rural Development Act, Subchapters I, II, and III of Chapter 50 of Title 7 of the United States Code;

(j) Any loan by an employee pension benefit plan, as defined in Section 3 (2) of the Employee Retirement Income Security Act of 1974 (29 U.S.C.A. Sec. 1002), to an individual participating in such plan, provided that such loan satisfies the prohibited transaction exemption requirements of Section 408 (b) (1) (29 U.S.C.A. Sec. 1108 (b) (1)) or Section 2003 (a) (26 U.S.C.A. Sec. 4975 (d) (1)) of the Employee Retirement Income Security Act of 1974;

(k) Written contracts, agreements or bonds for deed providing for installment purchase of real estate;

(1) Loans secured by a mortgage on real estate;

(m) Loans made by a sole proprietorship, partnership, or corporation to an employee or to a person who has been offered employment by such sole proprietorship, partnership, or corporation made for the sole purpose of transferring an employee or person who has been offered employment to another office maintained and operated by the same sole proprietorship, partnership, or corporation;

(n) Loans to or for the benefit of students made by an institution of higher education.

(2) Except for loans described in subparagraph (a), (c), (d), (e), (f) or (i) of subsection (1) of this Section, and except to the extent permitted by the applicable statute for loans made pursuant to Section 4a or pursuant to the Consumer Installment Loan Act:

(a) Whenever the rate of interest exceeds 8% per annum on any written contract, agreement or bond for deed providing for the installment purchase of residential real estate, or on any loan secured by a mortgage on residential real estate, it shall be unlawful to provide for a prepayment penalty or other charge for prepayment.

(b) No agreement, note or other instrument evidencing a loan secured by a mortgage on residential real estate, or written contract, agreement or bond for deed providing for the installment purchase of residential real estate, may provide for any change in the contract rate of interest during the term thereof. However, if the Congress of the United States or any federal agency authorizes any class of lender to enter, within limitations, into mortgage contracts or written contracts, agreements or bonds for deed in which the rate of interest may be changed during the term of the contract, any person, firm, corporation or other entity not otherwise prohibited from entering into mortgage contracts or written contracts, agreements or bonds for deed in Illinois may enter into mortgage contracts

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or written contracts, agreements or bonds for deed in which the rate of interest may be changed during the term of the contract, within the same limitations.

(3) In any contract or loan which is secured by a mortgage, deed of trust, or conveyance in the nature of a mortgage, on residential real estate, the interest which is computed, calculated, charged, or

collected pursuant to such contract or loan, or pursuant to any regulation or rule promulgated pursuant to this Act, may not be computed, calculated, charged or collected for any period of time occurring after the date on which the total indebtedness, with the exception of late payment penalties, is paid in full.

For purposes of this Section, a prepayment shall mean the payment of the total indebtedness, with the exception of late payment penalties if incurred or charged, on any date before the date specified in the contract or loan agreement on which the total indebtedness shall be paid in full, or before the date on which all payments, if timely made, shall have been made. In the event of a prepayment of the indebtedness which is made on a date after the date on which interest on the indebtedness was last computed, calculated, charged, or collected but before the next date on which interest on the indebtedness was to be calculated, computed, charged, or collected, the lender may calculate, charge and collect interest on the indebtedness for the period which elapsed between the date on which the prepayment is made and the date on which interest on the indebtedness was last computed, calculated, charged or collected at a rate equal to 1/360 of the annual rate for each day which so elapsed, which rate shall be applied to the indebtedness outstanding as of the date of prepayment. The lender shall refund to the borrower any interest charged or collected which exceeds that which the lender may charge or collect pursuant to the preceding sentence. The provisions of this amendatory Act of 1985 shall apply only to contracts or loans entered into on or after the effective date of this amendatory Act, but shall not apply to contracts or loans entered into on or after that date that are subject to Section 4a of this Act, the Consumer Installment Loan Act, or the Retail Installment Sales Act, or that provide for the refund of precomputed interest on prepayment in the manner provided by such Act.

(Source: P.A. 89-208, eff. 9-29-95.)

Section 199. Effective date. This Act takes effect on September 1, 2000."

Committee Amendment No. 3 was held in the Committee on Financial Institutions.

There being no further amendments, the foregoing Amendments numbered 1 and 2, were ordered engrossed; and the bill, as amended, was ordered to a third reading.

On motion of Senator Sullivan, **Senate Bill No. 1284** having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on State Government Operations, adopted and ordered printed:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 1284 on page 1, in line 2, by deleting "by changing Section 3"; and  
on page 1, in line 6 by changing "Section 3" to "Sections 3 and 8";  
and  
on page 6, by inserting below line 12 the following:

"(5 ILCS 340/8)

Sec. 8. Reports.

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(a) The Comptroller shall annually prepare a report on the number of State and university employees who have contributed to qualified organizations and united funds under this Act. The report shall set forth (i) the number of payroll deductions received by each qualified organization and united fund, (ii) the total amount of the contributions received by each qualified organization and united fund, and (iii) the State agencies and universities from which the contributions were received. The report shall be prepared no later than April 1 of each year and shall be available to the public upon request.

(b) By March 1 of each year, each university shall submit to the Comptroller a report containing the information required for the preparation of the Comptroller's report under subsection (a) with respect to that university and its employees.  
(Source: P.A. 90-799, eff. 6-1-99.)".

There being no further amendments, the foregoing Amendment No. 1, was ordered engrossed; and the bill, as amended, was ordered to a third reading.

On motion of Senator Jacobs, **Senate Bill No. 1297** having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on State Government Operations, adopted and ordered printed:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 1297 on page 1, line 16, before the period, by inserting the following:  
" , but only if the laws of that State authorize residents of Illinois to be appointed and commissioned as notaries public in that State".

There being no further amendments, the foregoing Amendment No. 1, was ordered engrossed; and the bill, as amended, was ordered to a third reading.

On motion of Senator Peterson, **Senate Bill No. 1303** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Peterson, **Senate Bill No. 1326** having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Revenue, adopted and ordered printed:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 1326 on page 3, line 33, after the period, by inserting the following:

"For the purposes of this subsection (d-1), an inter-affiliate includes a mutual insurer under common management."

There being no further amendments, the foregoing Amendment No. 1, was ordered engrossed; and the bill, as amended, was ordered to a third reading.



On motion of Senator Geo-Karis, **Senate Bill No. 1331** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Demuzio, **Senate Bill No. 1353** having been printed, was taken up, read by title a second time and ordered to a

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third reading.

On motion of Senator Bowles, **Senate Bill No. 1389** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Radogno, **Senate Bill No. 1451** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Mitchell, **Senate Bill No. 1477** having been printed, was taken up and read by title a second time.

Floor Amendment No. 1 was held in the Committee on Rules.

There being no further amendments, the bill was ordered to a third reading

On motion of Senator Donahue, **Senate Bill No. 1507** having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on State Government Operations, adopted and ordered printed:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 1507 by replacing the title with the following:

"AN ACT to amend the Illinois Commission on Community Service Act."; and

by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Commission on Community Service Act is amended by changing Sections 0.01, 1, 2, 3, 4, 5.1, 6.1, and 7 as follows:

(20 ILCS 710/0.01) (from Ch. 127, par. 3800)

Sec. 0.01. Short title. This Act may be cited as the Illinois Commission on Volunteerism and Community Service Act.

(Source: P.A. 88-597; 89-84, eff. 7-1-95.)

(20 ILCS 710/1) (from Ch. 127, par. 3801)

Sec. 1. Creation. There is created in the Department of Human Services ~~Commerce and Community Affairs~~ the Illinois Commission on Volunteerism and Community Service.

(Source: P.A. 88-597; 89-84, eff. 7-1-95.)

(20 ILCS 710/2) (from Ch. 127, par. 3802)

Sec. 2. Purpose. The purpose of the Illinois Commission on Volunteerism and Community Service is to promote and support community service in public and private programs to meet the needs of Illinois citizens; to stimulate new volunteerism and community service initiatives and partnerships; and to serve as a resource and

advocate within the Department of Human Services Commerce and Community Affairs for community service agencies, volunteers, and programs which utilize State and private volunteers.

(Source: P.A. 88-597; 89-84, eff. 7-1-95.)

(20 ILCS 710/3) (from Ch. 127, par. 3803)

Sec. 3. Definitions.

"Commission" means the Illinois Commission on Volunteerism and Community Service.

"Director" means the Executive Director of the Illinois Commission on Volunteerism and Community Service.

"Staff" means the Illinois Commission on Volunteerism and Community Service staff.

(Source: P.A. 88-597; 89-84, eff. 7-1-95.)

(20 ILCS 710/4) (from Ch. 127, par. 3804)

Sec. 4. Operation. The ~~Lieutenant~~ Governor shall appoint a

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Director of the ~~Lieutenant Governor's~~ Commission on Volunteerism and Community Service who shall serve at the ~~Lieutenant~~ Governor's pleasure and who shall receive such compensation as is determined by the ~~Lieutenant~~ Governor. The Director shall employ such staff as is necessary to carry out the purpose of this Act. The Commission, working in cooperation with State agencies, individuals, local groups, and organizations throughout the State, may undertake programs and activities which further the purposes of this Act including, but not limited to, the following:

(a) providing technical assistance to programs which depend upon volunteers;

(b) initiating community service programs to meet previously unmet needs in Illinois;

(c) promoting and coordinating efforts to expand and improve the statewide community service network;

(d) recognizing outstanding community service accomplishments;

(e) disseminating information to support community service programs and to broaden community service involvement throughout the State;

(f) implementing federally funded grant programs in Illinois such as the National and Community Service Trust Act.

The Commission may receive and expend funds, grants and services from any source for purposes reasonable and necessary to carry out a coordinated plan of community service throughout the State.

(Source: P.A. 87-902; 88-597, eff. 1-9-95.)

(20 ILCS 710/5.1)

Sec. 5.1. Commission. The Commission is established to encourage community service and volunteer participation as a means of community and State problem-solving; to promote and support voluntary citizen involvement in government and private programs throughout the State; to develop a long-term, comprehensive vision and plan of action for national volunteerism and community service initiatives in Illinois; and to serve as the State's liaison to national and State organizations that support its mission.

The Commission shall consist of 15 to 25 bipartisan voting

members and up to 15 bipartisan nonvoting members. At least 25% of the members must be from the City of Chicago.

The Governor shall appoint up to 25 voting members and up to 15 nonvoting members. Of those initial 25 voting members, 10 shall serve for 3 years, 8 shall serve for 2 years, and 7 shall serve for one year. Voting members appointed by the Governor shall include at least one representative of the following: an expert in the education, training, and development needs of youth; the chairman of the City Colleges of a municipality having a population of more than 2 million; labor organizations; business; the human services department of a municipality with a population of more than 2 million; community based organizations; the State Superintendent of Education; the Superintendent of Police of a municipality having a population of more than 2 million; a youth between 16 and 25 years old who is a participant or supervisor in a community service program; the President of a County Board of a county having a population of more than 3 million; an expert in older adult volunteerism; the public health commissioner of a municipality having a population of more than 2 million; local government; and a national service program. A representative of; ~~and~~ the federal Corporation for National Service shall be appointed as a nonvoting member.

Appointing authorities shall ensure, to the maximum extent practicable, that the Commission is diverse with respect to race, ethnicity, age, gender, geography, and disability. Not more than 50%

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of the Commission appointed by the Governor may be from the same political party.

Subsequent voting members of the Commission shall serve 3-year terms. Commissioners must be allowed to serve until new commissioners are appointed in order to maintain the federally required number of commissioners.

Each nonvoting member shall serve at the pleasure of the Governor.

Members of the Commission may not serve more than 3 ~~2~~ consecutive terms. Vacancies shall be filled in the same manner as the original appointments and any member so appointed shall serve during the remainder of the term for which the vacancy occurred. The members shall not receive any compensation but shall be reimbursed for necessary expenses incurred in the performance of their duties.

(Source: P.A. 88-597, eff. 1-9-95.)

(20 ILCS 710/6.1)

Sec. 6.1. Functions of Commission. The Commission shall meet at least quarterly and shall advise and consult with the Department of Human Services ~~Commerce and Community Affairs~~ and the Director on all matters relating to community service in Illinois. In addition, the Commission shall have the following duties:

(a) prepare a 3-year national and community service plan, developed through an open, public process and updated annually;

(b) prepare the financial assistance applications of the State under the National and Community Service Trust Fund Act of 1993;

(c) assist in the preparation of the application by the State Board of Education for assistance under that Act;

(d) prepare the State's application under that Act for the approval of national service positions;

(e) assist in the provision of health care and child care benefits under that Act;

(f) develop a State recruitment, placement, and information dissemination system for participants in programs that receive assistance under the national service laws;

(g) administer the State's grant program including selection, oversight, and evaluation of grant recipients;

(h) make technical assistance available to enable applicants to plan and implement service programs and to apply for assistance under the national service laws;

(i) develop projects, training methods, curriculum materials, and other activities related to service;

(j) coordinate its functions with any division of the federal Corporation for National and Community Service outlined in the National and Community Service Trust Fund Act of 1993.

(k) publicize Commission Office services and promote community involvement in the activities of the Commission Office;

(l) promote increased visibility and support for volunteers of all ages, especially youth and senior citizens, and community service in meeting the needs of Illinois citizens; and

(m) represent the Department of Human Services ~~Commerce and Community Affairs~~ on such occasions and in such manner as the Department of ~~Commerce and Community Affairs~~ may provide.

(Source: P.A. 88-597; 89-84, eff. 7-1-95.)

(20 ILCS 710/7)

Sec. 7. On the effective date of this amendatory Act of the 91st General Assembly 1995, the authority, powers, and duties in this Act of ~~the Lieutenant Governor~~ are transferred to the Department of Commerce and Community Affairs are transferred to the Department of Human Services.

(Source: P.A. 89-84, eff. 7-1-95.)

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Section 10. The Illinois Commission on Community Service Act is amended by changing the title as follows:

(20 ILCS 710/Act title)

An Act to create a Commission on Volunteerism and Community Service and to define its powers and duties.

(Source: P.A. 86-1192. Title amended by P.A. 87-902; 88-597, eff. 1-9-95; 89-626, eff. 8-9-96.)

(20 ILCS 710/10 rep.)

Section 15. The Illinois Commission on Community Service Act is amended by repealing Section 10.

Section 99. Effective date. This Act takes effect upon becoming law."

There being no further amendments, the foregoing Amendment No. 1, was ordered engrossed; and the bill, as amended, was ordered to a third reading.

On motion of Senator O'Malley, **Senate Bill No. 1524** having been

printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Executive, adopted and ordered printed:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 1524 as follows:  
on page 2, by replacing lines 10 through 13 with the following:  
"portion of the land to another party, then title to the land shall  
revert to the".

There being no further amendments, the foregoing Amendment No. 1,  
was ordered engrossed; and the bill, as amended, was ordered to a  
third reading.

On motion of Senator Watson, **Senate Bill No. 1537** having been  
printed, was taken up, read by title a second time and ordered to a  
third reading.

On motion of Senator Watson, **Senate Bill No. 1538** having been  
printed, was taken up, read by title a second time and ordered to a  
third reading.

On motion of Senator Sullivan, **Senate Bill No. 1586** having been  
printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on  
Executive, adopted and ordered printed:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 1586 by replacing the title  
with the following:

"AN ACT to amend the Uniform Disposition of Unclaimed Property  
Act by changing Sections 1 and 17."; and  
by replacing everything after the enacting clause with the following:

"Section 5. The Uniform Disposition of Unclaimed Property Act is  
amended by changing Sections 1 and 17 as follows:

(765 ILCS 1025/1) (from Ch. 141, par. 101)

Sec. 1. As used in this Act, unless the context otherwise  
requires:

(a) "Banking organization" means any bank, trust company,  
savings bank, industrial bank, land bank, safe deposit company, or a  
private banker.

(b) "Business association" means any corporation, joint stock

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company, business trust, partnership, or any association, limited  
liability company, or other business entity consisting of one or more  
persons, whether or not for profit.

(c) "Financial organization" means any savings and loan  
association, building and loan association, credit union, currency  
exchange, co-operative bank, mutual funds, or investment company.

(d) "Holder" means any person in possession of property subject  
to this Act belonging to another, or who is trustee in case of a  
trust, or is indebted to another on an obligation subject to this

Act.

(e) "Life insurance corporation" means any association or corporation transacting the business of insurance on the lives of persons or insurance appertaining thereto, including, but not by way of limitation, endowments and annuities.

(f) "Owner" means a depositor in case of a deposit, a beneficiary in case of a trust, a creditor, claimant, or payee in case of other property, or any person having a legal or equitable interest in property subject to this Act, or his legal representative.

(g) "Person" means any individual, business association, financial organization, government or political subdivision or agency, public authority, estate, trust, or any other legal or commercial entity.

(h) "Utility" means any person who owns or operates, for public use, any plant, equipment, property, franchise, or license for the transmission of communications or the production, storage, transmission, sale, delivery, or furnishing of electricity, water, steam, oil or gas.

(i) (Blank).

(j) "Insurance company" means any person transacting the kinds of business enumerated in Section 4 of the Illinois Insurance Code other than life insurance.

(k) "Economic loss", as used in Sections 2a and 9 of this Act includes, but is not limited to, delivery charges, mark-downs and write-offs, carrying costs, restocking charges, lay-aways, special orders, issuance of credit memos, and the costs of special services or goods provided that reduce the property value or that result in lost sales opportunity.

(l) "Reportable property" means property, tangible or intangible, presumed abandoned under this Act that must be appropriately and timely reported and remitted to the Office of the State Treasurer under this Act. Interest, dividends, stock splits, warrants, or other rights that become reportable property under this Act include the underlying security or commodity giving rise to the interest, dividend, split, warrant, or other right to which the owner would be entitled.

(m) "Firearm" has the meaning ascribed to that term in the Firearm Owners Identification Card Act.

(Source: P.A. 90-167, eff. 7-23-97; 91-16, eff. 7-1-99.)

(765 ILCS 1025/17) (from Ch. 141, par. 117)

Sec. 17. (a) All abandoned property, other than money and that property exempted by paragraphs (1), ~~and~~ (2), and (3) of this subsection, delivered to the State Treasurer under this Act shall be sold within a reasonable time to the highest bidder at public sale in whatever city in the State affords in his or her judgment the most favorable market for the property involved. The State Treasurer may decline the highest bid and reoffer the property for sale if he or she considers the price bid insufficient. The State Treasurer may group items for auction as "box lots" if the value of the individual items makes it impracticable to sell the items individually. He or

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she need not offer any property for sale, and may destroy or otherwise dispose of the property, if, in his or her opinion, the probable cost of sale exceeds the value of the property. Securities or commodities received by the Office of the State Treasurer may be sold by the State Treasurer through a broker or sales agent suitable for the sale of the type of securities or commodities being sold.

(1) Property which the State Treasurer determines may have historical value may be, at his or her discretion, loaned to a recognized exhibitor in the United States where it will be kept until such time as the State Treasurer orders it to be returned to his or her possession.

(2) Property returned to the State Treasurer shall be released to the rightful owner or otherwise disposed of in accordance with this Act. The State Treasurer shall keep identifying records of the property so loaned, the name of rightful owner and the owner's last known address, if available.

(3) The Treasurer, in cooperation with the Department of State Police, shall develop a procedure to determine whether a firearm delivered to the Treasurer under this Act has been stolen or used in the commission of a crime. The Department of State Police shall determine the appropriate disposition of a firearm that has been stolen or used in the commission of a crime. The Treasurer shall attempt to return a firearm that has not been stolen or used in the commission of a crime to the rightful owner, provided that the owner may lawfully possess the firearm as determined by the Department of State Police.

If the Treasurer is unable to return a firearm to its owner, the Treasurer shall transfer custody of the firearm to the Department of State Police. Legal title to a firearm transferred to the Department of State Police under this paragraph (3) is vested in the Department of State Police by operation of law:

(A) if the Treasurer cannot locate the owner of the firearm;

(B) if the owner of the firearm may not lawfully possess the firearm;

(C) if the owner does not respond to notice published under Section 12 of this Act; or

(D) if the owner responds to notice published under Section 12 and states that he or she no longer claims an interest in the firearm.

With respect to a firearm whose title is transferred to the Department of State Police under this paragraph (3), that Department may:

(i) retain the firearm for use by the crime laboratory system, for training purposes, or for any other application as deemed appropriate by the Department;

(ii) transfer the firearm to the Illinois State Museum if the firearm has historical value; or

(iii) destroy the firearm if it is not retained pursuant to subparagraph (i) or transferred pursuant to subparagraph (ii).

(b) Any sale held under this Section, except a sale of securities or commodities, shall be preceded by a single publication of notice thereof, at least 3 weeks in advance of sale in an English language newspaper of general circulation in the county where the property is to be sold. When property fails to sell and is offered again at a subsequent sale, no additional notice is required for the

subsequent sale.

(c) The purchaser at any sale conducted by the State Treasurer pursuant to this Act shall receive title to the property purchased,

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free from all claims of the owner or prior holder thereof and of all persons claiming through or under them. The State Treasurer shall execute all documents necessary to complete the transfer of title.

(d) The Office of the State Treasurer is not liable for any reduction in the value of property caused by changing market conditions.

(Source: P.A. 91-16, eff. 7-1-99.)

Section 99. Effective date. This Act takes effect upon becoming law."

There being no further amendments, the foregoing Amendment No. 1, was ordered engrossed; and the bill, as amended, was ordered to a third reading.

#### **PRESENTATION OF RESOLUTION**

Senators Dillard - Weaver - Philip offered the following Senate Resolution, which was referred to the Committee on Rules:

##### **SENATE RESOLUTION NO. 296**

WHEREAS, The state would benefit substantially from enhanced technological and economic development; and

WHEREAS, The development of technology-intensive industrial sectors of the Illinois economy offers the best opportunity for long-term economic vitality, for the expansion of jobs, for improved productivity and a quality standard of living, and for providing the greatest number of our citizens' genuine opportunity; and

WHEREAS, A significant function of government and state universities is to increase opportunities for gainful employment, to assist in promoting a productive technological economy, to encourage the flow of private capital for investment in technological-intensive enterprises, and to otherwise improve the prosperity, health, and general welfare of the inhabitants of the State; and

WHEREAS, The General Assembly recognizes the growing importance of the unique contributions to the state's economic development made by the University of Illinois as a distinct part of its traditional responsibilities for instruction, research and public service; therefore be it

RESOLVED, BY THE SENATE OF THE NINETY-FIRST GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, That the University of Illinois be encouraged to expand its role in statewide economic development; and be it further

RESOLVED, That the University of Illinois make good faith efforts to work with the appropriate state and private agencies, local community leaders, and others interested in economic development initiatives; and be it further

RESOLVED, That the University of Illinois be encouraged to use



its facilities, equipment, research scientists' and staff's time and services, and other resources for the development and commercialization of new technological and scientific innovations, and that such uses be deemed to be in the public interest and not in conflict with other uses or purposes that derive from its traditional responsibilities for instruction, research and public service; and be it further

RESOLVED, That the University of Illinois seek to work with other state public and private institutions for expanding technology transfer efforts throughout the state of Illinois.

At the hour of 12:26 o'clock p.m., on motion of Senator Petka,

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the Senate stood adjourned until Wednesday, February 16, 2000 at 12:00 o'clock noon.

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